

SENATE.

SATURDAY, January 6, 1923.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we turn toward Thee this morning supplicating Thy guidance, and as we look out upon a world in distress we beseech of Thee for Thy revelation to all the peoples of earth. Give wisdom in deliberation, give judgment and guidance continually, and so enable us in our own land and life to realize the highest interests to Thy glory. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Wednesday, January 3, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

REPORT OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

The VICE PRESIDENT laid before the Senate a communication from the president of the Chesapeake & Potomac Telephone Co., transmitting, pursuant to law, the annual report of that company for the year 1922, which was referred to the Committee on the District of Columbia.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting a list of documents and papers on the files of the Interior Department not needed in the conduct of business and having no permanent value or historic interest, and requesting action looking to their disposition, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. NORBECK and Mr. MYERS members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

PETITIONS.

Mr. LADD presented the petition of Heinrich Kuball and 14 other citizens of Dresden and vicinity in the State of North Dakota, praying for the passage of legislation extending immediate aid to the famine-stricken peoples of the German and Austrian Republics, which was referred to the Committee on Foreign Relations.

Mr. STERLING presented a petition of sundry citizens of the State of South Dakota, praying for the passage of legislation repealing the discriminatory tax in existing law on small-arms ammunition and firearms, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Appropriations, to which was referred the bill (H. R. 13481) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes, reported it with amendments and submitted a report (No. 992) thereon.

Mr. TRAMMELL, from the Committee on Claims, to which was referred the bill (S. 4028) for the relief of John N. Halladay, reported it without amendment and submitted a report (No. 994) thereon.

He also, from the same committee, to which was referred the bill (S. 3553) for the relief of the family of Lieut. Henry N. Fallon (retired), reported it with an amendment and submitted a report (No. 991) thereon.

DEFICIENCY APPROPRIATIONS.

Mr. WARREN, from the Committee on Appropriations I report back favorably with amendments the bill (H. R. 13615) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 993) thereon.

I give notice that I expect to call up the bill for consideration on Monday.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4281) to appropriate \$500,000 for the purchase of seed grain to be supplied to farmers in the crop-failure areas of eastern Washington, said amount to be expended under rules

and regulations prescribed by the Secretary of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. NICHOLSON:

A bill (S. 4282) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower" and presentation of same to the Government of Great Britain; to the Committee on the Library.

By Mr. BALL:

A bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes; to the Committee on the District of Columbia.

By Mr. BURSUM:

A bill (S. 4284) granting an increase of pension to Elizabeth F. Long; to the Committee on Pensions.

By Mr. BROOKHART:

A bill (S. 4285) defining the legal status of all children under 18 years of age who violate Federal statutes, the creation of a United States parental court, and defining the duties and jurisdiction of a chief United States parental guardian; to the Committee on the Judiciary.

By Mr. HARRISON:

A bill (S. 4286) for the relief of James Francis McDonald and Sarah Elizabeth McDonald; to the Committee on Claims.

By Mr. LENROOT:

A bill (S. 4287) to provide credit facilities for the agricultural and live-stock industries of the United States; to amend the Federal farm loan act; to amend the Federal reserve act; and for other purposes; to the Committee on Banking and Currency.

By Mr. TOWNSEND:

A joint resolution (S. J. Res. 263) to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; to the Committee on Agriculture and Forestry.

STATE TAXATION OF NATIONAL BANKS.

Mr. KELLOGG submitted an amendment intended to be proposed by him to the bill (H. R. 11939) to amend section 5219 of the Revised Statutes of the United States, which was referred to the Committee on Banking and Currency and ordered to be printed.

REGULATION OF MOTOR VEHICLES IN THE DISTRICT.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 4237) to control the operation of motor vehicles in the District of Columbia, to provide for indemnity bonds or insurance policies, to fix penalties, and for other purposes, which was referred to the Committee on the District of Columbia and ordered to be printed.

AMENDMENTS OF DISTRICT APPROPRIATION BILL.

Mr. SPENCER submitted an amendment proposing to appropriate \$1,500 to aid the Columbia Polytechnic Institute for the Blind in the city of Washington, intended to be proposed by him to House bill 13660, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$5,000 for aid and support of the National Library for the Blind in the city of Washington, intended to be proposed by him to House bill 13660, the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENTAL USE OF AUTOMOBILES.

Mr. McKELLAR. Mr. President, I submit a resolution, which I ask may be read, and I ask for its immediate consideration. It is simply a resolution calling for information, to which, I am sure, there will be no objection.

Mr. CURTIS. Let the resolution be read.

Mr. McKELLAR. I have asked that it be read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 399) was read, as follows:

Resolved, That the head of each department and head of each independent bureau or commission of the Government in the city of Washington, including the District Commissioners, be, and they are hereby, directed to furnish to the Senate as early as may be practicable the number of passenger automobiles in use by such department, independent bureau, or commission; the name of the official or person to whom such automobile is assigned; the cost thereof; the cost of the upkeep and operation thereof; the salary or pay of chauffeur furnished, if one is furnished, to the end that the Senate may have accurate information as to the number of automobiles, the cost thereof, the person using same, and all the facts pertaining thereto in each department, independent bureau, or commission in the city of Washington. If allowances for privately owned automobiles are made in any department, independent bureau, or commission to officers or employees of such department, independent bureau, or commission, then the amount of such allowances for upkeep or operation shall be reported with the names and positions of those to whom such allowances are made.

Also the number, location, and cost of any garage or garages maintained by such department, independent bureau, or commission; where such garages are located; number of employees used in said garages; cost of same; rentals on same; and all other information in connection therewith; the number of passenger automobiles kept in said garages and the number of trucks; the names of such officers or employees keeping such automobiles in said garages. The heads of said several departments, independent bureaus, or commissions are likewise directed to furnish in reports separate from the foregoing facts, like facts, figures, and information concerning the use, upkeep, and operation of all passenger vehicles in use in their said departments, independent bureaus, or commissions outside the city of Washington.

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the resolution. I think there can be no objection to the furnishing of the information.

The resolution was considered by unanimous consent, and agreed to.

CALL OF THE ROLL.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Assistant Secretary called the roll, and the following Senators answered to their names:

Ball	Fernald	McCormick	Sheppard
Brandeggee	Fletcher	McCumber	Shortridge
Brookhart	France	McKellar	Smith
Broussard	George	McKinley	Smoot
Bursum	Harreld	McNary	Spencer
Caldor	Harris	Nelson	Stanfield
Cameron	Harrison	New	Stanley
Capper	Heflin	Nicholson	Sterling
Caraway	Hitchcock	Norbeck	Sutherland
Couzens	Johnson	Oddie	Townsend
Culberson	Jones, N. Mex.	Overman	Trammell
Curtis	Jones, Wash.	Phipps	Underwood
Dial	Kendrick	Pomerene	Walsh, Mass.
Dillingham	Ladd	Ransdell	Warren
Elkins	La Follette	Reed, Mo.	Watson
Ernst	Lodge	Reed, Pa.	Weller

Mr. CURTIS. I wish to announce that the junior Senator from Ohio [Mr. WILLIS] is necessarily absent, due to serious illness in his family.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. There is a quorum present.

CONSTRUCTION OF RURAL POST ROADS (S. DOC. NO. 286).

Mr. TOWNSEND. I ask unanimous consent to have printed as a public document the report of the Secretary of Agriculture upon the work which has been done on the public roads.

There being no objection, the report on the construction of rural post roads in cooperation with the States, etc., was ordered to be printed as a Senate document.

PUEBLO INDIANS OF NEW MEXICO.

Mr. CAPPER. I ask unanimous consent to have printed in the RECORD a letter from Judge A. J. Abbott, of Santa Fe, N. Mex., in regard to the Bursum bill affecting the Pueblo Indians.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SANTA FE, N. MEX., December 17, 1922.

HON. ARTHUR CAPPER,
United States Senate, Washington, D. C.

MY DEAR SENATOR CAPPER: You may not remember me personally, but you will probably recall who I am when I tell you that I was for nine years Judge of the Twenty-seventh Judicial District of Kansas, with headquarters at Garden City.

As a Member of the Senate you are, of course, familiar with the action of that body on the measure recently passed known as the Bursum bill, but which has been by the Senate withdrawn from the House. It is on behalf of this Bursum bill, as it is called, because it was introduced and sponsored by our Senator BURSUM, that I am asking a few minutes of your attention.

I was from 1902 to 1910, about eight years, special attorney for the Pueblo Indians of New Mexico. I am now writing you on behalf of these same Indians.

You have doubtless noticed the sensational and alarming headlines and articles which have gone down the lines of certain classes of newspapers since this bill passed the Senate. I sincerely hope that the unreasonable furor against this measure which seems to have taken hold upon a certain class of people, many of whom I am persuaded are uninformed, will not be allowed to influence the sane and sensible Members of the Senate and House when the measure shall again come up for consideration.

A change in the relationship of these Indians to the Government, brought about by a recent decision of the Supreme Court of the United States, has made some congressional legislation concerning their property rights imperatively necessary. To meet this necessity the Department of the Interior, through the Indian Office, has called to its aid certain gentlemen well informed as to the history and necessities of these people. The bill was prepared by Col. R. E. Twitchell, Attorney A. B. Renehan, and Indian Commissioner Charles H. Burke and carefully examined and approved by Secretary of the Interior A. B. Fall, submitted to and approved by other able and experienced men of the Indian Office, and United States Senator H. O. Bursum, of New Mexico, who introduced it in the Senate.

Who are these gentlemen? Secretary Fall, as you know, is an old resident of New Mexico and an excellent lawyer, whose interest in these Indians can not be held in suspicion. Col. R. E. Twitchell, also an old-time resident of New Mexico, one of the best lawyers in our State, and a man who has written much on the history of New Mexico, and especially the history of these Indians, and who now holds the office of Assistant Attorney General, assigned to the special work of studying

the Pueblo Indian problem and the duty of the Government toward these Indians; a man who, I believe, has taken more interest in the Pueblos than any other man in New Mexico. Hon. A. B. Renehan, an able, careful, and critical lawyer of Santa Fe, N. Mex., who stands high at the bar of our State, and United States Senator BURSUM, who introduced the bill. These are the men to whom was intrusted the difficult task of framing suitable legislation to meet the immediate and future demands of the Pueblo Indian situation.

It is unthinkable that intelligent and well-informed people with good and honest hearts should allow themselves to believe the fallacious and deceptive arguments which have been published under flaming and alarming headlines in sensational articles, with the evidently corrupt intent of producing political dissatisfaction with administration of the Indian department and reflecting discredit upon Government officers.

It is easy for those of us who reside in New Mexico and are acquainted with political conditions here to see in it all a deep-seated political scheme.

This "terrific barrage," as it is called, upon the Bursum bill is designed as a camouflage to blind the public vision and prevent a clear view of the measure, while a scheme for a special commission or court is being developed and brought to light as a substitute, with a purpose of revolutionizing the entire Indian policy and creating places, I may add, for some hungry office seekers who can not hope for anything under the present administration.

Such headlines as "The end of the Pueblo Indians," "Cruel and treacherous assault," "Legalized robbery," "Repugnant to morals," "Special piece of villainy," and many other such bombastic, sensational, deceptive, and misleading illusions and fallacies can not be begotten by an honest desire to promote the public good or prevent a supposed wrong. Honest effort is not usually accompanied by such methods, and it is to be hoped that the promoters of these would-be deceptions will soon learn that the Congress of the United States can not be easily tricked or deceived.

Now, dear Senator, my interest in these Indians has prompted me to write you thus at length, for which trespass upon your time, if indeed it be trespass, I beg your pardon.

With the sincere hope that Congress may act wisely in the premises, I am,

Very sincerely yours,

A. J. ABBOTT.

RETURN OF AMERICAN TROOPS FROM GERMANY.

Mr. REED of Missouri. Mr. President, I desire to call up Senate Resolution 395 submitted by me on yesterday with reference to the recall of troops from Germany. I ask that the resolution may be read.

The VICE PRESIDENT. The resolution will be read for the information of the Senate.

The Assistant Secretary read the resolution as follows:

Resolved, That the President is hereby respectfully requested to at once cause the return to the United States of all troops now stationed in Germany.

Mr. CURTIS. Mr. President, a parliamentary inquiry. As I understand, the resolution is merely presented to the Senate for discussion and not for consideration. Is that correct?

Mr. REED of Missouri. I submitted the resolution on yesterday and gave notice that I would call it up this morning.

The VICE PRESIDENT. The resolution is on the table and it may come up by unanimous consent or on motion.

Mr. REED of Missouri. I ask unanimous consent that the resolution may now be taken up.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. I wish to know is the request of the Senator from Missouri for unanimous consent for the consideration of the resolution with a view to its passage today or merely with a view to its discussion?

Mr. REED of Missouri. Certainly for its passage if the Senate is ready to vote on it; but, of course, at the end of the morning hour I suppose the resolution will have to give way to the regular order.

Mr. JONES of Washington. I merely wish to understand the matter. I myself have no objection to the consideration of the resolution.

Mr. CURTIS. Mr. President, so far as I am concerned, I have no objection to the consideration of the resolution, but the chairman of the Committee on Military Affairs, the Senator from New York [Mr. WADSWORTH], is not present, and I think he ought to be consulted in reference to the matter before any action shall be taken upon it.

Mr. REED of Missouri. I think the chairman of the Committee on Military Affairs will get here. As he is not present, he had better be sent for.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. REED of Missouri. I can say what I have to say on this matter, I hope, in a very brief speech, though my prophecies as to the time I am going to speak are not always accurate.

Mr. President, there is no useful purpose to be served by any long statement regarding this subject. The Senate is entirely familiar with the history of the occupation by our troops of a part of Germany subsequent to the signing of the treaty of Versailles and up to the present time. Speaking in round numbers, there are approximately 1,000 American troops still located

in Germany. If my recollection serves me right—and if I am wrong I hope some Senator will correct me—the President during his pre-election campaign stated that our troops ought promptly to be recalled from Germany. At that time we had a considerable force there. I may be in error regarding the statement which I have just made, but that is my recollection. In any event, the administration did begin the return of the troops, and it was publicly stated and understood that all of the American troops in Germany were to be returned to the United States. The task of returning the troops began some months ago and had been largely accomplished when, for a reason that has never been made plain, at least to my knowledge, the return of the troops was stopped, leaving this small force still in Germany.

The arrangement with Germany, as all know, was that she would pay the expenses of the troops while stationed there. I have sent for the latest figures in reference to the subject, but have not been able to obtain them. So late, however, as April 30, 1921, the troops had cost the United States \$240,719,338.29. The total cost had been \$275,607,146.84, on which Germany had a credit of \$34,887,808.55. I am not informed how that came about. I do not think it came from the actual payment of money, but, possibly, through some adjustment of properties which might have been held by the United States, perhaps dyestuffs, as suggested by the Senator from Nebraska [Mr. HITCHCOCK].

The best information that I have is that we have not received any kind of payment for a long time; and, judging by the present situation, with which we are all familiar and upon which I need not dwell, it is extremely problematical whether we will ever get anything in the way of reimbursement, certainly not so long as France proposes to stand in her present position and take the steps which are now threatened.

From the first I have believed and have stated repeatedly upon this floor and elsewhere that, when the armistice had been signed and when our allies and associates had completed their treaties of peace and those treaties had been solemnly signed and were effective, it was the business of the United States to remove armed forces from Europe. We had no indemnities there to collect; we had no responsibilities. Certain it is to my humble way of thinking that, after we had solemnly signed a treaty of peace and amity and good will with Germany, we had no further business for an armed force on German soil.

We have no controversies with Germany, except in regard to some property located in this country and some claims against the German Government, which we do not propose to collect by armed force. Germany has consented to the creation of a tribunal to adjust those differences, and, further than that, has consented that America shall have two representatives out of the three. An eminent former Justice of the Supreme Court of the United States occupies that position, and certainly every question of dispute which is decided by him and by his other American associate ought to be satisfactory to the American people.

There can be, therefore, no good reason for retaining American troops in Germany, whosoever they happen to be stationed at this moment, so far as their service to American interests is concerned; and, if that were not true, if we did have a material interest there to guard or material right to enforce, it would be the height of folly to withdraw all of our troops except 1,000 men or less, for such a body of men, if there for the purpose of the enforcement of any of our rights, would merely be an irritant because it could not constitute an effective force. The troops, therefore, must have been kept in Germany for some other reason, and that other reason must be service for some other country instead of service in the interest of the United States.

What I am saying now is not by way of criticism. I can well understand how the administration may have been persuaded that for some temporary cause it was best to halt the return of the troops. Although I think I should differ from the administration with regard to such a policy, nevertheless I accord to the administration perfect good faith and acquit it of any desire to do anything which it regarded as wrong; but the Senate has a responsibility, the Congress has a responsibility, and I think it is time we discharged that responsibility to the extent of our power.

These troops never could have been in Germany except for a declaration of war, which the Congress alone was authorized to make. The President would have had no authority or right to send them there or to keep them there but for that declaration of war. Peace has come, and every consideration demands the return of these troops. I inquire, why are they kept there? There is, I repeat, but one reason that can be assigned. They

have been kept there not for the benefit of America but for the benefit of other countries.

What is the condition with reference to these other countries? When this war ended the United States said that she did not want to take any land from Germany; that she did not want to levy any penalties upon Germany. There were certain pre-war claims which were open to discussion, but we claimed no right of indemnity. We waived it. We therefore have no business over there to collect something which we do not demand. Our allies, however—and I do not criticize them for it—demanded heavy indemnities. They took from Germany vast portions of her possessions. They cut deeply into the German Empire. Great Britain, as the result of this war, added to her landed estates directly and indirectly a territory greater than that of Rome in the days of the Caesars. She demands other heavy indemnities. France took vast landed estates and is demanding an indemnity so high that Germany protests she can not pay it, and it would appear now to be the opinion of Great Britain that the amount named is so excessive that it must be mitigated.

In addition to that, Japan took vast possessions, and we yielded to her our just claim to a share in the control of some 30,000 or 40,000 islands of the Pacific Ocean, and gave to her by the four-power pact an advantage which may mean some day a terrific disaster to America.

Now come the later developments. I am not here to prophesy a great European war, but it is apparent to-day that there is grave danger of France invading Germany and seizing possession of a large part of that country. Thank Heaven it is no longer an empire, although they still denominate themselves an empire. If France undertakes that, it is understood, as far as we can credit the reports of the press, that she will do so in opposition to the will of Great Britain. The press brings us word that the Turko-Grecian war is to be resumed. We all know to our own satisfaction that Great Britain has been morally if not financially supporting the Greeks, and France has been morally if not financially supporting Turkey.

With this state of affairs, every prudent man must recognize the fact that Europe to-day is in a highly inflammable condition, and that trouble may break out at any time.

If trouble should break out, what would be the condition of our American troops—less than 1,000 of them, and I understand those 1,000 men are under the command of French generals? Whether that be correct or not—and we can get so little information that we must guess these matters out largely—if trouble should ensue in Germany, it is highly probable that our troops might suffer an attack. That attack might come from an exasperated and desperate people in Germany who, in seeking to resist the French, should draw our troops into the struggle. Such an attack might be by regular forces; it might be by an infuriated people; it might arise under any one of a thousand conditions and circumstances which we can conceive. If the attack should unfortunately be made, even though there were totally absent any purpose or intent to attack our troops, though they should come within the fire zone merely because of their location, the moment a drop of American blood is shed the cry will go up that that blood must be avenged.

Mr. BRANDEGEE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED of Missouri. I yield.

Mr. BRANDEGEE. I ask for information, of course, simply. Does the Senator know whether the American troops now stationed in Germany are in that part which the French propose to occupy?

Mr. REED of Missouri. The trouble is, I do not know what the French propose to occupy.

Mr. BRANDEGEE. I mean the Ruhr Valley section?

Mr. REED of Missouri. The exact location of these troops I am unable to state. Perhaps the Senator from Massachusetts can tell us.

Mr. LODGE. The troops are at Coblenz, and the Ruhr district is in Westphalia, north of Lorraine.

Mr. REED of Missouri. How far away?

Mr. LODGE. I can not give the Senator the distance in miles, but it is a very considerable distance.

Mr. REED of Missouri. Not very far, because you can not go very far without getting out of Germany.

Mr. LODGE. It lies between Belgian territory, I think, and Alsace-Lorraine; but while I can tell by looking at the map, I think it is a very considerable distance from Coblenz.

Mr. BRANDEGEE. I read in one of the public prints yesterday that Coblenz is the place that the French probably would take possession of and occupy, or one of them.

Mr. LODGE. In connection with the Ruhr?

Mr. BRANDEGEE. No; not in connection with the Ruhr.

Mr. LODGE. I was not aware that France planned to take possession of Coblenz, but that may be.

Mr. BRANDEGEE. I was not aware of it, either. I simply say, with due caution, that I saw that in a newspaper. Of course, all sorts of reports are coming from abroad and being printed, and nobody knows what importance to attach to them.

Mr. REED of Missouri. I think we can agree that the troops are entirely too close to the scene of possible difficulty. When an army starts to move nobody knows where it is going to halt; and nobody knows when the opposing force may surround and isolate our troops, even if they are not at the immediate point at which the French propose to stop.

The New York Times headlines this morning read:

French take steps to enlarge penalties—Rhine forces are put on a war footing—May affect status of our troops there—Mayence troops prepare—Mining engineers and customs forces mobilized in Paris—Move for coal penalty—Poincaré must bring money out or force submissions that satisfy French—Cordiality to Bonar Law—British premier says, in parting, he hopes that Poincaré is right, but doubts it.

I think almost everybody else doubts it.

Mr. President, a heavy responsibility rests upon those to-day charged with public office. The way of safety is perfectly obvious. That is to bring our troops home, where they ought to be, to get them out of this turbulent zone, and to keep our hands out—I will use the expression, though it is not very senatorial—of this hell pot they are brewing over there.

I have seen the last American boy cross the ocean to fight any wars of Europe or Asia, I trust. I hope no man living will ever again witness the spectacle of a draft of American young men to be sent across the seas to engage in quarrels and wars over there. Of course, if America's sovereignty and honor are assailed, we must defend them, though we send our troops to the uttermost parts of the world; and we will defend them. If our troops should unfortunately be attacked, if one of them should be slain, even by an infuriated and irresponsible mob, or by accident, it would be likely to inflame the people of this country and to furnish an excuse for drawing us into another European controversy.

No good reason can be assigned for keeping those troops in Germany one hour. There is every reason for their return, and not the least of them is the fact that if the United States now promptly orders the return of those troops it will be notice to France, it will be notice to every country on earth, that if they propose to keep up their quarrels they must settle their own quarrels.

What I am saying does not run counter to the ideas of any man who may want, by peaceful negotiations, to render assistance to stricken Europe, for I am not dealing with the question of negotiations or friendly offices; I am dealing with the question of soldiers and bayonets and guns. They have no business there except as a war menace.

I might talk long about this matter, but I have said all I desire to say, and I submit the resolution.

Mr. HITCHCOCK. Mr. President, I think the Senator from Missouri has presented a very important question to the Senate. It is doubtful in my mind whether it should have been presented much sooner than this, but the psychological moment has arrived when some one in this country should seriously raise the question of longer continuing on the Rhine the American troops we have there now. I will say to the Senator from Missouri that I would prefer a different form for the resolution. Instead of a request to the President, it seems to me it would be more in accordance with the ordinary proceedings to express the sense of the Senate that the troops should be withdrawn; but that is a rather minor matter.

The Senator from Missouri asks why the troops are kept there. It seems to me we can also properly go back and ask the question, Why were they put there in the first place? They were put there, as a paragraph in the treaty of Versailles very well indicates, for a certain purpose. Article 428 of that treaty reads as follows:

As a guaranty for the execution of the present treaty by Germany, the German territory situated to the west of the Rhine, together with the bridgeheads, will be occupied by allied and associated troops for a period of 15 years from the coming into force of the present treaty.

The article next following indicates when and how the troops shall be withdrawn. If the treaty is carried out, they shall first be withdrawn from the Cologne bridgehead at the expiration of 5 years, and later, at the expiration of 10 years, withdrawn from Coblenz. Coblenz is the point where our troops are located.

Mr. LODGE. Mr. President, of course we are not signatories to the treaty of Versailles. Our troops are there solely under the provisions of the armistice, are they not?

Mr. HITCHCOCK. I think they were originally put there under the provisions of the armistice, but, if the Senator from Massachusetts will recall, this particular article of the Versailles treaty I have read was imported into the separate treaty which we made with Germany. It does not require us to keep the troops there, but it was specifically mentioned as a part of the treaty of Versailles under which the United States retained its right to act. I think the Senator will find that is correct.

Mr. LODGE. I suppose it might be included in that provision of the treaty of peace with Germany, and if we thought it was of advantage to us I suppose we could act under the treaty of peace with Germany. But the troops are there solely under the armistice; I think that is the only ground.

Mr. HITCHCOCK. I judge that when we made our treaty with Germany the armistice died. An armistice only exists until the treaty takes its place.

Mr. LODGE. I suppose the treaty of peace with Germany terminated the armistice.

Mr. HITCHCOCK. I think so.

Mr. LODGE. My only point was that when the troops went there originally it was under the armistice.

Mr. HITCHCOCK. I think so; and they are continued there under the terms of the treaty we made with Germany, which carried into its provisions article 428 of the Versailles treaty.

I am not criticizing the administration for having kept the troops there as long as their presence could be justified as tending to improve conditions, without any embarrassment or danger to the United States. I think there was for a time that justification for keeping a nominal number of soldiers there. There was another justification, too. As long as they are there they constitute a sort of listening post, which has enabled the United States to get inside information about conditions there, and, as has been stated upon the floor of the Senate, they were kept there not only because France requested it but because Germany requested it, and probably also because Great Britain requested it, on the theory that an international occupation was more calculated to produce quiet conditions and to preserve a desirable situation than the occupation by French troops, who have always played the part of conquerors in their occupation.

Mr. WATSON. Mr. President, is the Senator informed as to how many English troops yet remain in that district, if any?

Mr. HITCHCOCK. I have a general impression that there are something like 20,000.

Mr. WADSWORTH. Oh, no, Mr. President. I happen to know that the number was reduced below 5,000 a long time ago.

Mr. HITCHCOCK. I do not know the number.

Mr. WADSWORTH. I think they have very few more than we have.

Mr. HITCHCOCK. Be that as it may, Mr. President, it seems to me that the time has come when American sentiment will naturally crystallize in favor of removing our troops. Great Britain and France have apparently come to the parting of the ways, and instead of seeing an international treatment of Germany under the terms of this treaty we are in danger of beholding an aggressive military treatment of Germany by one of the parties to the war, namely, France. Under those circumstances it does not seem to me either desirable or safe for the United States to become involved as a party to the proceedings, by leaving its troops there any longer, and I cordially support the movement inaugurated by the Senator from Missouri looking to some action by the Senate to indicate to the President that sentiment here favors their removal.

To my mind, it is most deplorable that France should take the position which she is now apparently disposed to take, and while I suppose the United States could hardly put itself in the attitude of rebuking France for this shortsighted and destructive policy, certainly there is no just reason why the United States should longer be a party to the proceedings over there by allowing her troops to remain.

As the Senator from Missouri has said, we may be involved in actual danger. We hope that the action of France is not going to result in disorder. We hope it will not lead to war. We hope that some way will be found of escaping from the crisis which seems to be impending; but the disorders may come, the violence may come, and war may come, and there is no possible reason why we should permit ourselves to be embroiled in it or involved in it by longer keeping our troops there.

It may be that we are overpessimistic. It may be that France will halt in her dangerous course; but, in that event, it seems to me that this is the time which above all other times

can be properly availed of to withdraw the troops from Germany. We have the right to keep them there, I believe, under this treaty. I voted for the ratification of the treaty, and that treaty involves the right to keep the American troops upon the Rhine under article 428, which is made a part of our treaty, but we have no interest in keeping them there and there is no reason, to my mind, why we should continue to keep them there at the request of France or of any other country. If the Senator prefers to keep his resolution in its present form, involving a request on the President to withdraw the troops, I shall vote for it. I would prefer to see it in the form of merely expressing the sentiment of the Senate of the United States that they should be withdrawn.

ATTORNEY GENERAL DAUGHERTY—DISMISSALS FROM OFFICE.

Mr. CARAWAY. Mr. President, I am very much impressed by the new year's advice given to the American people by the Attorney General, Mr. Daugherty. I am impressed, because he asked everyone to do what he himself never did. He said:

I am impressed with the thought that no nobler resolution may be taken by any inhabitant of this Republic than that he will live the life of a 100 per cent American;

That he will dedicate himself to a strict observance of the laws of his country; and

That he will obey them in the letter and spirit—all of them, even though there be some that in his individual opinion hurt.

I had never known before that the Attorney General posed as a humorist. Of course, I presume that he justifies this sentiment by saying he wants the people to do as he tells them and not as he himself does. We all know how the Attorney General practiced a deception on the former President of these United States, Mr. Taft, and had him pardon a man by the name of Morse. We all know how he secured the distinguished Senator from Indiana [Mr. WATSON], who left the floor just as I rose, to say here upon the floor, upon his honor as a Senator, that Daugherty never had anything to do with the obtaining of Morse's pardon, never received a penny for his service in connection therewith, and then, when it was shown that he—Daugherty—was Morse's attorney and that he had been paid for his services in connection with his pardon therewith, he had the very poor sportsmanship to turn upon his friend and say that the Senator from Indiana had utterly and willfully misrepresented him.

Well, I know that is not true, because another Senator on the Republican side told me that the Attorney General had told him that he had nothing to do with the Morse case and never received a penny in connection therewith. If I did not know, as I do know, without any corroborative evidence, that the Senator from Indiana told the truth when he said here upon the floor that the Attorney General assured him over and over again that he never had anything to do with the Morse case and never had any connection with it nor received any fee for his services therein, and that he knew that that was true, because he, the Senator—I am referring to the Senator from Indiana [Mr. WATSON]—had gone to the Attorney General and asked him specifically if he had, I would believe the Senator anyway.

In this connection I read:

Daugherty's accuser III, ordered to South. KELLER's condition becomes known as committee prepares to clear Attorney General.

I take that statement from the court journal, which knows what the administration knows before the administration finds it out, and knows what the Committee on the Judiciary in the House is going to do before the members of that committee themselves have been told. I realize that I am not permitted to say anything about the Committee on the Judiciary in the House. It would be highly improper for me to do so. But if I were permitted to say it, I would say that we knew in advance what the Republican members of that committee would do under the circumstances under which this case came to that committee. I do not suggest it because I am not permitted to do so. But if permitted I should like to suggest that the committee change the word "clear" to "whitewash." I do so because the committee has no power "to clear" the Attorney General of the charges that were made against him, and its findings do not do that. It is not accomplished, although it gave out through the "court journal" in advance that its intention was "to clear" the Attorney General. It can not do that. It can "whitewash" the Attorney General and will do that, but "clearing him" is what no one can do, because in the minds of the American people a verdict has been written that the Attorney General is guilty of the offenses of which he stands accused, and therefore no committee of either House can "clear" him of those charges.

In passing I do not blame Mr. KELLER from withdrawing as the accuser before the committee. We all have read how the hearings were conducted. I am sure if evidence was anxiously sought that sources have been suggested from which that evi-

dence could be had; but the committee—let me read it, because I want to be fair:

DAUGHERTY'S ACCUSER III, ORDERED TO SOUTH—KELLER'S CONDITION BECOMES KNOWN AS COMMITTEE PREPARES TO CLEAR ATTORNEY GENERAL.

Illness of Representative KELLER, sponsor of impeachment proceedings against Attorney General Daugherty, will necessitate his leaving the Capital for a month, it became known yesterday just as Republican members of the House Judiciary Committee were beginning preparation of a report to the House designed to show Mr. KELLER had failed to submit evidence to warrant impeachment of Mr. Daugherty and had so maneuvered presentation of his testimony as to make possible the dramatic withdrawal from his case which virtually ended the hearings three weeks ago.

Anyone could have foretold before the new year that the Republican members of the committee would so find; could have told that the day after the charges were filed; could have told Mr. KELLER that even before he made his charges.

This is recited here, together with the advice of the Attorney General to the American people on New Year, because the Attorney General was present when an order was issued by the President discharging many civil-service workers to make places for Republican henchmen, and yet we have had no report concerning it. On the 31st day of March, 1922, 28 employees of the Bureau of Engraving and Printing were summarily dismissed, most of them not only from their places of employment but from the civil-service rolls. A number of them were eligible to retirement compensation. It was said at the time these men and women were discharged that it would be shown shortly that they had been guilty of very grave offenses and that the very safety of the Treasury depended upon their immediate dismissal. I myself introduced a resolution asking that the information be given. It went to the Committee on Civil Service and Retrenchment, over which the Senator from South Dakota [Mr. STERLING] presides, and it went, as everybody knew, to its grave.

However, from time to time there was a revival of talk that very grave offenses had been committed by these men and that it would be shown, and that a report would be made public and all of us who had championed their cause would be humiliated. A Republican Senator assured me that I myself was going to be very much embarrassed when I should be convinced that I have been espousing the cause of men who had been guilty of very grave offenses; tremendously grave offenses. He said he knew it because he had talked to the department officials and they had assured him it was true. Such stories crept into the newspapers. These men and women who had worked for 25 to 30 years for the Government, who had honorable names in this community where they lived, were compelled to live under the disgrace and this suspicion for nearly a year, and still no report has been forthcoming. I have very reliable information, Mr. President, that not only did the Department of Justice put its sleuths to hunt out crimes upon the part of the administration of the bureau under the régime of Mr. Wilmeth, but the Treasury also had every one of these people's records checked, and that both investigations showed that not one of them was guilty of any wrongdoing or that there was anything in the conduct of the bureau that would subject them to criticism at all.

Many of those discharged employees were, as I said, entitled to compensation under a retirement law. They can not get it until the President shall take action. This report from the bureau has been on his desk for weeks, and he will not act. He will not act because when he does act he must admit that he discharged these people unjustly, and for political reasons, and therefore he will not act at all.

Let me call attention to a further fact. Dr. E. L. Beach, 68 years old, a native of the State of Tennessee, had worked for 30 years for the Government. He was one of the men dismissed from the Bureau of Engraving and Printing. He was eligible to retirement. There never has been a charge made against Doctor Beach except the blanket charge that the President of these United States made against the 28 men and women whom he saw fit to discharge. Doctor Beach, as I said, was 68 years old. He was discharged and disgraced under this order of the President on the 31st day of March, 1922. He lived at 6314 Delaware Avenue, Chevy Chase, Md. Last Tuesday he died, and his son said this:

Father felt that he had been disgraced by being turned out without warning and without explanation. He had been 30 years in the bureau, and although he received but \$1,800 a year as storekeeper he handled about \$1,500,000 a year in Government property. He often said the treatment was cruel and inhuman and broke his heart.

His son added that, without question, his father died of a broken heart because of this unjust and cruel dismissal.

Now, Mr. President, I had hoped that the President would make public the report and let these men and women at least have an honorable name restored to them, even if he did not see fit to give them back their places of employment. I know that their dismissal was the first of what they call Hardingizing

the administration; that is, to turn out everybody who is not an active Republican and put in his place an active Republican. Other dismissals were to follow had not the public condemnation been so pronounced.

The man who succeeded Mr. Wilmett, Mr. President—Mr. Hill—was being sued by his wife for divorce, in which suit charges which it would be entirely improper to discuss upon the Senate floor were made.

Mr. McCauley displaced Mr. Ashburton as custodian of dies, rolls, and plates. His wife, on similar charges, obtained an interlocutory decree against him; and on yesterday the press contained this statement:

Justice Siddons has granted permanent maintenance of \$100 a month to Mrs. Caroline D. McCauley, who sued her husband, Joseph D. McCauley, superintendent of plate vaults in the Bureau of Engraving and Printing. The decree requires the husband to pay the wife's lawyer \$150 and the costs of the suit.

Mr. McCauley, it will be remembered, took the place of Mr. Ashburton, who, on the day he was dismissed, was commended for his faithful services. The letter commending him came but a few hours before he was discharged. Mr. McCauley, the man who was put in his place, will be remembered as the man who wrote the letter to the 15-year-old girl that found its way into the Record here.

I desire to say, Mr. President, unless the President shall soon make public the report and let these former employees be restored at least to good standing in the community, that I shall ask the Senate next week to pass a resolution requesting that the report be made public. The President has no right, simply because he is President of these United States, to strike down the good name and reputation of men and women because he wanted their places for his friends and his henchmen. It would be just for him, at least, since he has their places for his friends, to give back to these men and women their good reputation, so that they may go elsewhere and find honorable employment. He should not wait until they go down to their graves of broken hearts, as Doctor Beach has just done—go down disgraced and humiliated by the President because the President wanted their places for his friends and supporters.

Mr. President, I was particularly moved to say this because the Attorney General was present when the President's order was issued; he is presumed to know the law, and that law forbids the discharge of a civil-service employee until he had been given notice in writing of the charge against him and an opportunity to be heard in his own defense by affidavit. The Attorney General, it is fair to presume, advised the President to strike down the law and disgrace these 28 men and women in order that their places might be given to supporters of the administration. Then the Attorney General, after having been a party to that unlawful act, proclaims that everybody ought to obey the law!

RETURN OF AMERICAN TROOPS FROM GERMANY.

The Senate resumed the consideration of the resolution (S. Res. 395) submitted by Mr. REED of Missouri, January 5, 1923, as follows:

Resolved, That the President is hereby respectfully requested to at once cause the return to the United States of all troops now stationed in Germany.

Mr. WADSWORTH. Mr. President, I am aware that there are many Members of the Senate upon both sides of the aisle who are thoroughly in favor of the resolution which has been submitted by the Senator from Missouri [Mr. REED] and that in opposing it, as I shall in the very brief remarks I am about to make, I shall find myself in conflict, as it were, with many of my colleagues.

I can not share the fears expressed by the Senator from Missouri and other Senators. I do not believe that the dangers painted by them really confront our little force at Coblenz or confront the United States, which they represent. I think in their fears they fail to take into consideration the influence of an American soldier, no matter where he is stationed. I call to mind that we have had troops in foreign countries for long, long periods, thousands of miles away from home, at times when those very countries have been seething with violence, revolution, and war; and that in no instance has any faction among the contenders or any influence whatever, foreign or otherwise, come into violent contact with American soldiers.

I have in mind the fact that for many years we have had stationed in Peking and Tientsin in China a few hundred men. China, Mr. President, as everybody realizes, has been seething with war and violence. Our little force has been at Peking, near the legations, and there has been another little force at Tientsin, the two being held there in accordance with a treaty into which we entered following the Boxer Rebellion. Their influence upon every occasion has been in the direction of

peace. No faction has thought for one moment of involving them in the difficulties that have cursed that part of the world. I think that is due to the respect which people of all nations—and I mean by that the common people of all nations—have for the American soldier and the flag that he carries. They know that everything he does is done in the spirit of fairness; that when it is the duty of the American soldier to his own country to be neutral, he is, in fact, neutral; that when it becomes incumbent upon him to pass upon some dispute, he does so in a spirit of fair dealing to everyone concerned.

That, Mr. President, has been the history of our little force at Coblenz. There are but 1,000 men, approximately, there. Something like two years ago our force there was reduced to below 5,000 troops. It has no military strength and, in my judgment, no military significance; but it is a fact that that little area about Coblenz which is occupied by our men has been the happiest and most contented area in all the troubled regions of Europe, merely because everyone involved respects the American soldier and what he stands for.

It may be that troubles will arise there and grow more acute as a result of recent developments in Germany or in that neighborhood; but I venture to say that, no matter what troubles may arise, no matter what their nature may be, the little area around Coblenz, if our men remain there, will be the safest place in Europe. So far as our men are concerned, I believe they will be as safe there as they would be in the District of Columbia. What I have said, Mr. President, will indicate that I do not share the fears expressed by some Senators upon the floor.

It may be difficult to describe in precise terms the function which this little force performs, and I feel myself unable to describe them in precise terms; but, from everything I have heard from Americans who have traveled in Europe during the last two years, both civilians and returning officers, I gather the very clear impression that our troops, from time to time, in ways which may be described as unofficial but nevertheless effective, have performed a great service not only so far as the situation on the spot is concerned but also to their own country.

General Allen and his assistants have been appealed to, I dare say, many, many times to smooth out little frictions which have necessarily arisen in the extraordinary situation prevailing. His judgment and that of those who assist him has been relied upon; he and his associates have excited the confidence of the Germans, the French, the British, and the Belgians. Upon not one occasion, as I am informed, have our soldiers there failed to contribute something toward peace and a better understanding among the conflicting elements which surround them. I am informed that there have been innumerable instances of just that kind where the judgment of the Americans, devoted to justice and fair dealing, has been accepted.

Mr. President, none of us can know what the future may bring. It so happens, however, that the region in Germany which some believe the French intend to seize lies something like 100 miles from the Coblenz area. I think that the matter of distance is comparatively unimportant; I think if that region were in juxtaposition to the territory occupied by the American troops the territory so occupied would still be absolutely safe. I can not conceive of any one of the parties to the disputes bringing about a situation which would involve the United States of America with one side or the other.

I think we should be conscious of our own power, and conscious of the respect which all the parties, I am sure, feel toward us in this situation; and, conscious of those elements, I think we have nothing whatsoever to fear of America being dragged in or drawn into some outbreak of violence which may involve some portion, or indeed all, of the contingent of 1,000 men.

We may not judge accurately, Mr. President, the psychological effect in Europe of things which we may do or say in the Senate; and I would not attempt, indeed I would not dare, to prophesy in explicit terms the possible result of the adoption of the pending resolution. For one, I have not yet given up the hope that the difficulties existing between the Allies upon the one side and Germany upon the other, and especially the difficulties now existing or apparently existing in France on the one side and Germany on the other, may be composed; and I think no one will deny that their composition would be to the great advantage of the United States, to say nothing of the advantage accruing to Europe itself.

Mr. President, I entertain the belief that in the midst of all this turmoil, all this hysteria, all the prejudice and misunderstandings which every sensible man knows plague Europe today, the presence of this flag of ours and of that little group of men at Coblenz in more ways than one holds forth a hope toward the composition of those difficulties. We can not know

how we may perform a service. It may not be to-morrow, it may not be next month, it may not be for months yet to come; but I honestly believe, Mr. President, that the presence of our people in Coblenz—safe, I am sure, from the dangers depicted by other Senators, and their country safe, too—I honestly believe that the presence of those men at Coblenz under General Allen constitutes and holds forth the best hope of America being finally and properly and in accordance with her traditions helpful in composing this distressing situation. I do not fear their continued presence there. I believe that at some time, in some way, they may be useful; and believing as I do that that is the possibility, I can not join at this time in urging their recall.

Mr. REED of Pennsylvania. Mr. President, I expect to vote against the resolution; but I do not wish to do so without stating in the Record the reasons that impel me to cast my vote in that way.

I believe that our troops in Germany ought to be returned, and I hope it will be possible for our Government to order their return in the near future; but I do not believe that there is the slightest danger of our troops being drawn into any controversy at this time as innocent bystanders might be drawn into some controversy in which they were not concerned.

The only suggestion of aggressive action that I have seen in the newspapers is the suggestion that the Ruhr district, around Essen and Duisburg, should be occupied by the French. That lies down the Rhine more than 80 miles from Coblenz, where our troops are stationed. Coblenz is not on the line of communications that would be adopted if any such move were made, and it is not in any strategic position which would become important; and to my mind there is no danger whatever of our small force being drawn as innocent bystanders into any such military operations.

I hope very much that no such military operations are going to occur. The peace of Europe will be gravely disturbed by any such invasion as that; but the disagreement that is reported is not final, and all of us must share the hope that an arrangement or composition can be entered into between the Allies and Germany which will be acceptable to all of them. The Germans in March of 1921 themselves suggested the payment of a larger sum in reparations than is contemplated by the British suggestion of recent days; and it seems to me, bearing that in mind, that we must regard the various proffers that have been made by the different nations concerned in these negotiations as mere beginnings of negotiations, in which certainly in friendship to all of the countries involved we do not wish to interfere by action apparently hostile to any one of them. Yet, if we withdrew our troops to-day, within 48 hours after the breaking off of the Paris conference, it could be construed as nothing but an unfriendly act toward France, or at least an unsympathetic action toward France.

Surely, Mr. President, the war is not so long past that we have forgotten how to be sympathetic for France. The war is not so far gone, our comradeship for France is not so faint in the dim past, that we can afford to ignore the distress under which that nation is working to-day. With the fear of a hostile neighbor across a narrow river, on the one hand, and the equal fear of bankruptcy just as close to her on the other hand, surely we can not so show an utter lack of comprehension of her difficulties as to administer this affront to her at this moment.

I want to see those troops brought back to the United States. I want to see the American Expeditionary Force a thing of the past, something of which we can be unqualifiedly proud; but this is not the minute to bring back those troops. A month from now, perhaps, yes; or two months from now; but right now, on the heels of the disruption of the Paris conference, it would be nothing but an affront, and that is why I intend to vote against the resolution.

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. POMERENE. During the last few days I have seen statements repeated which were made some time ago to the effect that the German people and the German Government both desired that the American troops should remain there temporarily. What information has the Senator on that subject?

Mr. REED of Pennsylvania. I have seen the same statements, and I am inclined to believe them, because it happened that I was one of the first American officers to go into Germany after the armistice. We were met by German officials at these various towns, including Coblenz, who begged us to send the American troops on as fast as it could be done. They wanted the Americans there; and all the time that I had any connection with it they reiterated the same wish that our troops

would stay, because they regarded their presence there as the greatest security for order for the German population itself; and I do not conceive that leaving our troops in Germany at the present time will be treated by the German people themselves as anything but a blessing.

Mr. LODGE. Mr. President, I have favored for a long time the withdrawal of our troops. The subject was discussed here many months ago, and I do not recall now whether the Senate passed a resolution favoring the withdrawal of the troops or not, but I have always favored it. The other day when we were discussing the resolution offered by the Senator from Idaho [Mr. BORAH] and the question was asked me as to the troops that remained, whether I favored their withdrawal or not, I said yes, I did. I never have changed my view on that point at all, and I think they all should have been taken away when the great bulk of the troops were removed, as they were more than a year ago. My only hesitation about this resolution is the moment at which it is offered.

Our troops were put there under the armistice and continued under the armistice until we ourselves made the treaty of peace with Germany. That, I conceive, ended any obligations that we might have under the armistice; but in that treaty with Germany we retained the right to avail ourselves of any provisions of the treaty of Versailles which we thought were for our advantage if we chose to do so, and under that privilege, agreed to in that treaty, I suppose the troops have been kept.

Just at this moment a situation has arisen in which I should be very sorry to see the United States take sides—I do not mean as between France and Germany, but as between France and Great Britain, who have come to a break on the question of the settlement of reparations. We seek no reparations, and never have sought any. We always have adhered to the statement made in that respect by President Wilson, and I think very rightly; and I, for one, have no desire to see the United States drawn into taking part in any attempt to settle the question of reparations, which concerns altogether those who are seeking them. We have, it is true, an indirect interest, which is entirely protected by our unofficial observers who have been there, but I feel that it would be very unfortunate if anything we do to-day should be construed as taking sides. I do not think that is the intent of the mover of the resolution, and I wish to say this to make it plain, so far as I can, that in my judgment there is no intention on the part of the Senate to take sides one way or the other. It is not our business to decide between the differing views of the allied and associated powers who are attempting to settle the question of reparations with Germany. They are all our friends and will therefore, I believe, remain so.

That is my only objection to the resolution, but the question of immediate action is a very serious one. I think the troops ought to be withdrawn—I wish they had been withdrawn long ago—and that we should put an end to that phase of our connection with the late war.

I had hoped that the Senator from Missouri would be willing to accept the modification proposed by the Senator from Nebraska. I think the form of expressing the sense of the Senate is much better.

Mr. REED of Missouri. Mr. President, the suggestion of the Senator from Nebraska and other Senators relates purely to the form of the resolution. I have no objection to yielding to their judgment in the matter; and I have prepared a substitute for the resolution, which I send to the desk and ask to have read.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The Secretary will read the proposed substitute.

The Assistant Secretary read as follows:

Resolved, That it is the sense of the Senate of the United States that the President should order the immediate return to the United States of all troops of the United States now stationed in Germany.

Mr. REED of Missouri. I see no difference in the two forms, but I am always willing to yield to the judgment of others in matters of form.

Mr. President, if no other Senator desires to speak, I ask for the yeas and nays.

Mr. WALSH of Montana. Mr. President, before this vote is taken I desire to say a few words. I am impelled to do so inasmuch as I shall cast my vote in favor of the resolution, because, unlike the Senator from Missouri [Mr. REED], who has from the beginning opposed the policy of keeping troops upon the Rhine, I have taken quite a different view in the past with respect to that matter. A year ago last summer, in company with the junior Senator from Illinois [Mr. McKINLEY], I was in the area occupied by our troops. After our return he made a very clear, concise, and impartial statement of the conclusions at which all of us arrived, from first-hand information, concerning the conditions there. I fully indorsed everything the Senator from Illinois said about the matter on the floor of

the Senate. I think the presence of our troops there has been a highly pacificatory influence. The feeling was so intense between those upon both sides, very naturally, that a clash could easily have occurred during the occupancy of this very considerable portion of the German Empire by the troops of the Allies after the war was terminated.

The occupation of conquered territory by troops of the successful party in war is always a thing giving rise to further strife. It might easily have been precipitated, except for the pacificatory influence of the American troops, and particularly of the American commander. Although we had no representation upon the commission charged with the conduct of government in the occupied territory, we always had with the commission something in the nature of an unofficial observer, who was acting under the immediate direction of General Allen, and who was really the deciding influence upon that commission. Controversies would arise and complaints would be made against the French troops by German citizens of offenses against them, and breaches of the rules of war, and other things of that character. The Germans did not feel they could get any real consideration from the French representative upon the commission, and the feeling, so far as the British representative was concerned, was not very much different. On the other hand, the French recognized that whatever they did would be entirely unsatisfactory and their motives would be misconstrued by the Germans. The result, accordingly, was that practically every controversy which arose was determined by the American commander or by his representative, and so far as we were able to discover, generally with entire satisfaction to both parties. I felt that to retain the American troops in that area for some time after the cessation of hostilities was a highly commendable course to pursue. I regretted that our force there was so rapidly reduced after I visited the area in the summer of 1921.

But a different situation presents itself now, and whatever may have been my feelings about the matter in the past or my conclusions from the observations which I made, I do not like to see our troops remain there any longer. Everybody recognizes that the situation is exceedingly tense. Apparently nothing will deter the French from occupying the Ruhr Valley. That means, of course, military occupation, which means a resumption of the war with Germany. I do not believe that in that situation of affairs we can be any longer of any very great help in that locality.

Apparently every effort at pacification seems to have miscarried. If, unfortunately, hostilities should arise, our soldiers there would be in a very awkward predicament and might involve us in some way or other in the controversy that is rapidly coming to a crisis.

I shall accordingly support the resolution to express the desire of the Senate that the troops now be recalled, but I felt compelled to say that I do not by my vote indicate any sympathy with the views so often expressed on this floor by the author of the resolution, that they never should have been kept there.

Mr. NELSON. Mr. President, I have no desire to inflict a speech on the Senate on this question. I simply rise to state that I am utterly opposed to the pending resolution. Our little force over in Germany is a picked force of men, a sample of the best American soldier. They have been a stabilizing force there. The Germans are glad to have them in the midst of all the other foreign troops stationed there—English, Belgian, French, and Italian. They are anxious to have the American soldiers, because they are model soldiers and help to stabilize the conditions there.

I do not think our soldiers will be contaminated if they stay there. I do not see why that little body of American troops could not stay over there as a sample to the Old World of what the American soldier is. The Germans like him; they prefer him to any other soldier there; and why should we enter upon this picayunish policy about a thousand or fifteen hundred men, and bring them back to this country?

I have been surprised at the attitude assumed by certain statesmen lately. Two years ago it was considered a dangerous matter to have anything to do with Europe. The phrase "entangling alliances" was heard on all sides, and it was thought to be a most dangerous thing to have anything to do with the affairs of Europe in any shape or manner. Lately we have found men on this floor most strenuous in the advocacy of our going into Europe. The Senator from Idaho [Mr. BORAH] and the Senator from Arkansas [Mr. ROBINSON] want us to participate in reconstructing Europe.

I may be a heretic, Mr. President, but I have always believed that it was the greatest of mistakes, economically and in every other way, for America not to enter the League of Nations,

with one or two amendments of the covenant. If we had become a part of the League of Nations we would have stabilized conditions over there. Political conditions must be stabilized before economic conditions can be stabilized, and I am satisfied in my own mind, though I may be called a heretic, that if we had entered into the League of Nations and accepted the treaty of Versailles, instead of trying to sneak under it by piecemeal, as some of us have been doing lately, conditions would have been far better in Europe than they are to-day.

There were some features of the League of Nations of which I did not approve; but we could have eliminated them. In its main features, however, it would have acted upon the conditions of Europe just as our little Army to-day on the Rhine acts upon the foreign soldiers. It would have stabilized conditions there, and the economic difficulty under which Europe is suffering to-day would have been far less than it is now.

All the people of Europe look to America. As a result of the war a large share of the money of the world came to this country. We were the wealthy country; we were the strong, the rich country, and we attained such a position in the war that, had we been a member of the League of Nations, if Uncle Sam had shaken his head to the powers of Europe our advice would have been taken, and we would have controlled the whole situation.

This may be a sort of a funeral oration on the days of the past, and yet I felt then, and I feel now, that we made the greatest mistake in the world when we did not adopt the treaty of Versailles, with some amendments, particularly as to article 10. If we had done that conditions in the world to-day would have been much better than they are now. I do not like this peanut politics about what a great danger it is to leave a thousand American soldiers over there in Europe, what a horrible thing it is to leave a thousand model American soldiers over there to stabilize conditions.

We had better go to work and pass legislation that is of vital interest to this country, rural-credit legislation, and the merchant marine bill. In Minnesota we hope some day to get ocean shipping up to Duluth, the head of Lake Superior, and to the great ports on Lake Michigan. We hope in the near future to have that accomplished, and if it should be done our people would certainly be glad to have American shipping do the business of the country.

What is the situation? I can not give the exact figures, but we have between 800 and 1,000 steel ships, owned by the Government, which we have not been able to sell or dispose of. Fortunately we are able to scrap the four or five or six hundred wooden ships. They are buried for good and all. We have a few concrete ships, which might as well be buried also. But, counting the very best grade of our vessels, we have from 600 to 800 vessels which we own, which we built at enormous expense during the war, and the question to-day is, Shall we scrap those ships, shall we sell them to our competitors, or shall we try to have them afloat under the American flag? Do gentlemen on the other side want to have those ships scrapped? Do they want us to sell them to foreigners? If not, what would they suggest doing with them?

That shipping cost us over \$3,000,000,000, and it was a great extravagance. This morning I looked through the speech of the Senator from Texas [Mr. SHEPPARD], and it seems to be a justification of the action of the several Shipping Boards we have had. It seems to be a defense of the Shipping Board. I do not care to open old sores. We have had several investigations of that matter before the Committee on Commerce, of which I am a member. A great many things occurred under that Shipping Board which will not bear criticism; but I do not care to go into that subject.

The condition in brief is this: That we built those ships and we have them on our hands. What shall we do with them? Shall we sell them to foreigners, our competitors? I hope there are none on the other side of the Chamber who will take that position. Shall we scrap them, dispose of them as we did of the wooden ships lately; shall we sell them for old iron; or shall we try to put them afloat under the American flag and induce Americans to operate them? That is a plain, simple question. It seems to me that the doctrine enunciated by Senators on the other side who are opposed to this "subsidy" bill, as they call it, will lead to this, that we will have to scrap and throw into the junk heap over 800 good American ships.

When I voted for the shipping bill of 1920 I was in hopes that it would lead to the establishment of routes from the ports of the South, so that all our foreign commerce would not be congested in the port of New York.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. REED of Missouri. I ask the Senator in charge of the bill if he will not temporarily lay it aside?

Mr. NELSON. Just let me finish my remarks. It will take me only a few minutes, as the Senator from Washington knows I never speak long.

Mr. JONES of Washington. Very well.

Mr. NELSON. Mr. President, when I voted for the shipping bill of 1920 I had hoped that it would result in establishing a number of routes from the Gulf and South Atlantic coast and from the Pacific coast. But I am surprised to see Senators who live along the Atlantic coast voting against the pending measure. Look, for instance, at the port of Galveston. Would it not be a great thing for Galveston if some prominent citizens of that place could be induced to buy some of these ships and use them to establish an American route from Galveston to some foreign port? New Orleans sees the point and through the Louisiana Senators here is in favor of the legislation. But what about Mobile? What about Pensacola? What about Tampa? What about Savannah? What about Charleston? What about all the other Atlantic ports?

Mr. President, I live way up in Minnesota, yet I have an interest in those southern ports. I would like to see a shipping line established and operated by our own people from all the great ports along the Atlantic coast, from Norfolk clear around to Galveston in the Gulf of Mexico.

If we scrap all our ships, and that is what the action of Senators on the other side of the Chamber will lead to, what then? Instead of having as many ships afloat as we have to-day, we will within a year have many less. How much better would it be were Gulf ports like Galveston, New Orleans, Mobile, and Tampa and South Atlantic ports like Jacksonville, Savannah, Charleston, Wilmington, and Norfolk each to have a shipping line of its own?

I am surprised to see so much party politics enter into a matter that ought to be a plain business proposition. I would like to see an American line of boats established from each of the southern ports under the American flag and controlled by their own citizens. By defeating the pending bill that highly desirable result will be prevented. But, Mr. President, it is useless to talk. It is evident from what is going on here that politics enters into the situation. It is not made, as it ought to be made, an economic and business question. I am sorry to see that party politics enters into the question.

The bill in one particular is different from all bills of the past. In all those instances we did not have the ships. It was then a question of getting ships built. In the present case we have the ships in this country. We have a big surplus of ships and the question is, What shall we do with them? That is the only question. It is not a question of building more ships, because we have the ships now. The main thing is to get them afloat. Shall we sell them to our competitors and thus create more competition? Shall we let them go to the scrap heap and then forever cut off America from holding her own in the matter of ocean shipping? It is a pity that such a great question should be made the football of party politics.

Mr. JONES of Washington. If it is thought that the resolution can be disposed of in a very few minutes I would be perfectly willing that the unfinished business should be temporarily laid aside for that purpose.

Mr. REED of Missouri. I think the resolution could be disposed of very quickly if we would stick to the question.

Mr. JONES of Washington. I ask unanimous consent to lay aside temporarily the unfinished business, with the understanding that if the resolution takes too much time I shall call up the unfinished business.

Mr. REED of Missouri. Very well.

Mr. NEW. Mr. President, while in sympathy with the general proposition that the American troops should be withdrawn from Europe, I am inclined to vote against the resolution. There is no Member of this body who is more jealous of the prerogative of the Senate than I, and yet it appears to me that the Senate is at this moment rather going outside its province in offering the resolution.

After all, the President of the United States under the Constitution is the Commander in Chief of the military forces of the country. He will probably act ultimately as seems to him best, whether the Senate passes the resolution or not. I do not wish to be misunderstood in that statement. I do not know any more than any other Member of this body knows what the President will do, but that is what I think he will do.

I think the President of the United States has been singularly frank and open in his dealings with this body, of which he was formerly a distinguished Member. I think that will always be his policy.

But, Mr. President, without knowing even that there have been exchanges, it is apparent to me, as I think it must be to everyone else, that in such a situation as we know exists at the moment it is almost certain that there are frequent and rapid exchanges of information between the representatives of the United States abroad and our home Government as to the conditions existing on the other side of the Atlantic. It is manifestly impossible for the President or the Department of State to keep this body conversant with every bit of information that it gets as it gets it. That is a hopeless impossibility.

I believe, sir, that it is inopportune for the Senate to pass the resolution. As was pointed out by the Senator from Massachusetts [Mr. LODGE] an exigency has arisen. I think the Senate should exercise deliberation in the consideration of the question.

Then, too, I think beyond that that there is grave danger of the Senate being misunderstood in the passage of the resolution at this time. I think there is grave danger of its action being misinterpreted in France as an act of unfriendliness toward that Government when manifestly it is understood here on the floor of the Senate that it is not intended as anything of the kind. If the resolution is to be considered at all, I am much inclined to think that there should be attached such an amendment as I now offer to be added at the end of the resolution proposed by the Senator from Missouri:

And that in this expression the Senate disavows any unfriendly or partisan attitude toward any nation or nations of Europe.

The PRESIDING OFFICER. The resolution is not before the Senate, but the unanimous-consent request submitted by the Senator from Washington [Mr. JONES] that the unfinished business be temporarily laid aside is before the Senate. Is there objection to that request? The Chair hears none and it is so ordered.

Mr. NEW. I was under the impression that the request of the Senator from Washington had been agreed to. It now having been agreed to, I offer the amendment to the resolution of the Senator from Missouri, to be added at the close of his resolution.

Mr. JONES of New Mexico. Mr. President, I rose some little time ago with the expectation of making just a few remarks upon the resolution. I am glad now to say that the Senator from Indiana [Mr. NEW] has just made observations of a nature similar to those which I had intended to make.

The resolution was introduced yesterday. It has not been referred to any committee. We are asked to express it as the sense of the Senate that the troops should now be withdrawn. I look upon the resolution as a most extraordinary proposal. We know that the troops were first sent to Germany for a very substantial reason. We know that some of those troops have been kept in Germany since the treaty of peace with Germany. We know that they have been gradually withdrawn. But for some reason a small number of troops still remain there. The President of the United States is the Commander in Chief of the Armies of the United States. The troops are kept there under his orders. Presumably he has what appears to him to be a sufficient reason for keeping them there.

The author of the resolution, in presenting it to the Senate, has confessed a lack of knowledge as to why the troops are there. No one has pretended to state on the floor of the Senate the reasons which have actuated the President of the United States in keeping them there. They are under his control; and for the Senate of the United States, without even referring the resolution to a committee for investigation, to adopt it seems to me to be an absolute invasion of the prerogatives of the President of the United States. It seems to me to be more than that. To pass the resolution in this manner, without investigation, without calling upon the President to inform us as to why the troops are there, would be an affront to the President of the United States in which I am unwilling to participate. In my judgment, before we pass a resolution of this character we should at least do one of two things; we should refer it to a committee for investigation as to the reasons why our troops are there, or we should, at least, be considerate enough to ask the President of the United States to inform us, if compatible with the public interest, why they are there.

Mr. President, the suggestion has been made that the resolution should be referred and I move that it be referred to the Committee on Foreign Relations.

Mr. POMERENE. Mr. President, American troops have been stationed on the Rhine since the armistice was signed. They

have been retained there under two administrations—one Democratic, the other Republican. My information, gleaned from the newspapers, is to the effect that the presence of our American troops has been desired both by the French people and the German people, and that seems also to be the information of the Senator from Pennsylvania [Mr. REED].

Why should the Senate act upon this subject at the present time without having a report from one of the organized committees of the Senate? Certainly whatever my vote might be on this subject after an investigation and a report, I am not prepared to vote upon it with satisfaction to myself at the present time.

Mr. President, I was very much interested in the statement which was made by the distinguished Senator from Montana [Mr. WALSH] when he told the Senate that he approved the policy of keeping our troops on the Rhine up to the time that he and certain other Senators made their visit to Germany and came back here and made a report to the Senate. The distinguished Senator from Montana has said that the American troops exercised a stabilizing influence as between the Germans and the French, and that when any trouble arose the American officers acted as umpires, and they did decide, I assume, to the entire satisfaction of both sides of the controversy. If it were a good thing to help to preserve the peace from the time the armistice was signed up until the time that these distinguished Senators made their report on the floor of the Senate, why is it unwise now to keep the American troops there?

Mr. WALSH of Montana. Mr. President—

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Montana?

Mr. POMERENE. I yield.

Mr. WALSH of Montana. I thought I made it clear why I thought so. There had not been any purpose declared upon the part of France until recently to occupy any territory except that which she occupies pursuant to the treaty, namely, the Rhineland. Now an entirely different situation arises. She does not intend to content herself with the occupation of the Rhineland, but intends to occupy other territory in Germany not in accordance with the treaty at all but taking such satisfaction as she thinks she is entitled to because Germany has not complied with the terms of the treaty. I trust the Senator from Ohio will see that we now occupy a different position.

Mr. POMERENE. The reasons which the Senator from Montana has given may satisfy his mind, but they do not satisfy mine. What information have we bearing upon this subject? Of course, I have understood through the newspapers that, perhaps, France might take possession of the Ruhr Valley unless Germany paid a certain sum of money on account of reparation, but have we that information officially? If the French people are a little bit more disturbed now than they were a few months ago, and if it were a good thing for us to be present in Germany at that time in order to mollify the feelings of the Frenchmen or of the Germans, may it not be likewise true that if our troops are present now they may postpone the evil day?

I am not prepared to say, in my judgment, there is going to be an armed conflict, but if there should be an armed conflict certainly we can then withdraw our troops quite as well as we can withdraw them now. With both Governments and both peoples seemingly wanting our troops to remain, why now should the Senate of the United States pass this resolution when we do not know the views of the President or of the State Department?

I am paired with my colleague [Mr. WILLIS]. I do not know how he would vote upon this question if he were present, but certainly if I were permitted to vote I should vote in favor of the motion of the Senator from New Mexico, and if that motion should fail, with my present information, I would vote against the resolution.

Mr. McKELLAR. Mr. President, I am loath to vote for any resolution offering advice to the Executive in a matter of this kind, and yet under the peculiar circumstances which now surround our situation on the Rhine I do not see how I can refuse to vote for the resolution submitted by the Senator from Missouri.

I believe that the presence of our troops on the Rhine has done a great deal of good. It was absolutely necessary; they should have been sent there in the first instance. The Senate will recall that when they were first sent there they numbered about 15,000. They were sent there to aid in the enforcement of the armistice and kept there to enforce the Versailles treaty when it was thought we were going to be a party to that treaty. That force was gradually reduced during the last administration, I think, to about 5,000 men, and demands have been made

from time to time that the number be further reduced and that they all be brought home. After we failed to ratify the treaty there was no real reason why they should have been kept there. I think it has been pretty generally the sentiment of the Senate that they all ought to have been brought home. Our Republican friends long ago assured us they were going to bring them home as soon as they got in power, but two years have passed and our soldiers are still over there. Inasmuch as we are not a party to the treaty of Versailles, inasmuch as we have no representative on the Reparation Commission, it does seem to me that it would have been the part of wisdom to have brought them home before now. There are not enough of them there to do any real good in the event of an outbreak, and as I look at it, Mr. President, if France should invade Germany at any time, as she is now threatening to do, we would certainly be put in a very embarrassing attitude by reason of the presence of our troops on the Rhine. One thousand men could hardly do any good in case of the trouble which now seems imminent.

What are we going to do? Are we going to aid France in upholding the provisions of the treaty of Versailles, to which we are not even a party, or are we going to stand back and say we will not assist in upholding the provisions of that treaty? It is no answer to say that our troops need not take sides, because we will have to take sides; our troops will either have to go forward or they will have to remain there. If they go forward, they will take sides with France. If they fail to go forward, they will in effect take sides against France. If they remain there, they can not do any good, and their presence might involve us in interminable trouble.

I hope the President will withdraw them forthwith. I would have preferred very much that the President had acted and that there had been no necessity for this resolution, but the President not having acted and the resolution being before the Senate, it seems to me it is my duty under the circumstances to vote to have the remaining troops, which, I believe, number about a thousand, brought home immediately. I think it is very regrettable that the Executive has not brought the troops home long before now. It is most regrettable that this phase of our foreign affairs has been handled so clumsily as to make this action upon the part of the Senate necessary. If the troops had been brought home before, as our Republican friends assured us would be done by this administration, we would have been saved from the embarrassing situation that now confronts us. If France acts, we are going to be greatly embarrassed, whatever we may do in relation to our troops on the Rhine unless we get them out speedily. I shall vote against the motion to refer this resolution to the committee and in favor of passing the resolution now.

Mr. McKINLEY. Mr. President, I visited Coblenz, Germany, in 1919, again in 1921, and also in 1922. When the last administration went out of power there were something like 20,000 troops stationed at the Coblenz bridgehead, while at this time there are, perhaps, a thousand men stationed there, the number having gradually been reduced.

So far as danger to our boys there is concerned, my opinion is that the only danger is that all of the unmarried ones will acquire German wives. The impression which the members of our party received in 1921, as well as in 1922, was that both the enlisted personnel and the officers all wanted to remain at the Coblenz bridgehead, and for that desire they gave various satisfactory reasons.

As soon as the party of which I was a member arrived in Germany on a previous visit, we found that the German officials were particularly anxious that some American soldiers should remain on German soil. The reason actuating them seemed to be largely the wonderfully able diplomacy displayed by General Allen, the commander of the American forces there. When we went further into Germany, crossing the Rhine, we were met with the same report that he was continually settling difficulties arising between the French and the Germans, not only at the Coblenz bridgehead but at other bridgeheads. Both sides trusted him.

We found during our visit last summer the same condition to exist, all those interested seeming to agree that General Allen was doing a wonderful work there. Probably it would make no difference if there were only one American soldier there, provided General Allen of the American Army was also there. He is trusted by all. We found that the Germans wanted our soldiers to remain there, and likewise that the French, the English, the Belgians, and the Italians were anxious that the United States should be represented by troops on German soil. Personally, I feel, our troops being Germany, that when the German Government shall indicate to the American Govern-

ment that they would like to have the small American representation of troops withdrawn, it will be time enough for us to consider their withdrawal.

Mr. UNDERWOOD. Mr. President, I want to say just a word to explain why I shall vote in favor of the pending resolution.

Our troops occupied the Coblenz bridgehead in the beginning under the armistice. We were there by right, and should have stayed there as long as the conditions under the armistice existed. After that, the question of the ratification of the treaty of Versailles was before the country. If the treaty of Versailles had been ratified, we would have had our part to perform under that treaty, and our troops should have remained there. The treaty of Versailles was rejected, and a separate treaty of peace with Germany was ratified. Among the other provisions of the treaty of Versailles that were made a part of the German treaty were two provisions, one authorizing these troops to stay and the other providing that if the Congress of the United States was willing we might have representation on the Reparation Commission.

As I see the situation legally—I am not discussing it from a sentimental standpoint, but from the standpoint of our position in the world's affairs as fixed by our own treaty agreements—there is no reason whatever for these troops to remain on the Rhine except for the settlement involved in the Reparation Commission. If we determine to keep the troops on the Rhine, we should not leave them there with the actual votes as to what is done on the Reparation Commission left in the hands of foreign powers, while we are there with our troops merely to enforce a decree found by countries where we are not in the voting column.

I recognize that it is said that we are represented there unofficially; but, if we are going to have troops to enforce a decree, we should be represented officially. I think it is manifest that the party in power does not intend to have a representative on that commission officially representing this Government and casting a vote in the deliberations of that commission. If we do not, if we are not directly involved in the findings of that commission, for what purpose except a sentimental purpose can these troops be there? None whatever except to enforce the decrees of other nations.

I think myself it is unfortunate that our Government has not taken its seat on the Reparation Commission, as it is authorized to do not under the treaty of Versailles but under the agreement for the armistice; but that is all that is involved on the River Rhine now. The only question involved on the River Rhine is the question of reparations and how they shall be enforced. We are not sitting in the commission. We have no direct voice in the commission. Why should we have troops there to enforce its decree?

That being the case, I think these troops should be brought home; they should be removed from the Rhine; they should come home at the very earliest opportunity; and therefore I shall vote in favor of the resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Mexico [Mr. JONES].

Mr. REED of Missouri. Mr. President, I ask the Senator if he will not let us vote on the resolution without voting on sending it to the committee.

Mr. JONES of New Mexico. Mr. President, I am unwilling to leave the matter to be passed upon with the information that we have. I do not believe that we should act upon a matter of this sort with the information coming only from the general press of the country. Of course, I realize that the press of the country ordinarily can be relied upon, but this is a most important matter.

Personally, I know of no reason why the troops should not come back home; but I am unwilling to say, by a vote in favor of this resolution, that I am convinced that there is no information which would cause me to change my mind about it. The President of the United States must have some reason for keeping them there; and without even asking him what it is, upon mere rumor, upon mere dispatches from unofficial sources, we are asked to say that we have come to the deliberate conclusion that those troops should come home. I do not see why the merits of this resolution should not be reviewed by a committee of the Senate, the same as all other business of the Senate.

We heard some articles read here to-day from the morning press that may convey the correct situation as it is over there. The distinguished Senator from Montana [Mr. WALSH] said that he had changed his mind about it because of the changed situation; that France is now threatening to overrun a part of the country in excess of that which she had occupied under previous conditions. How do we know it? I submit that there

is not a Senator here to-day who knows what France is going to do. There are rumors about it; there are intimations in the press about it; but shall we act upon such vague information as that?

I am anxious, so far as I am concerned, to have these troops come home. It may be that upon official investigation of the subject we would all reach that conclusion. That is why I made the motion to have the investigation made. I hope the Committee on Foreign Relations will investigate the subject, and if it can not present some valid reason for keeping the troops there then I am willing to join with the Senator from Missouri in asking that they come home; but I am unwilling to vote one way or the other without some investigation of the subject. Therefore, Mr. President, I am unwilling to withdraw the motion which I have made.

Mr. REED of Missouri. Mr. President, I hope that the motion to refer the resolution to the committee will not prevail.

For more than three years we have had our troops over there. Many months ago we made a solemn treaty of peace with Germany. The order was issued to bring the troops back, and suddenly an exception was made, and this small body of troops was left there. We were told that it was for some temporary reason. Now time has run on and on and on and on, and still the troops are there.

We may not know absolutely what France's intentions are. I question whether anyone knows absolutely what they are, except the French statesmen; but we do know beyond a peradventure that France's attitude to-day is a threatening attitude. That is all that the Foreign Relations Committee could tell us on that phase of the question. I should be for this resolution if there had been no disturbance there, and I am inclined to believe it would have been better if the resolution had been offered a month ago instead of now; but here is a crisis, and it is proposed in the face of that crisis to refer this matter to the Foreign Relations Committee, where it may sleep a long time.

The press reports, I apprehend, are quite as reliable as any other information, coming as they do from all the press agencies, reported as they have been not for a single day but for several days, with cumulative effect, and with details which indicate an intimate knowledge. Those reports all indicate grave danger of trouble. In that state of affairs there ought to be no delay. A new situation confronts us. If there should be hostilities in Europe, our troops can scarcely be kept out of danger of involvement.

My good friend said that this was an insult to the President. Why, resolutions similar to this have been passed a thousand times. The right of petition is a right that the humblest citizen of the United States has, and that is all this is—the expression of an opinion to the President. My original resolution was in the nature of a request. This expresses an opinion. It is couched in courteous language. The chairman of the Foreign Relations Committee himself says that he supports this resolution; and I apprehend that he has as much knowledge of foreign affairs as they have at the State Department.

How long are we to wait? How long are these troops to be kept there?

Mr. JONES of New Mexico. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED of Missouri. I do.

Mr. JONES of New Mexico. I understood the Senator from Missouri to say that the chairman of the Committee on Foreign Relations would support this resolution.

Mr. REED of Missouri. He so stated on the floor.

Mr. JONES of New Mexico. Then I imagine that there would be no difficulty in getting a report upon the resolution from the Foreign Relations Committee within a short time. It seems to me that there should be nothing embarrassing about having the resolution referred to that committee. I have been usually more than anxious to comply with any request of my friend from Missouri, and I was under the impression that a reference to the committee might mean that the resolution would not be acted upon by the committee.

I think the Senator from Missouri made some such suggestion as that a moment ago, that if it were referred to the committee it would sleep there. If the chairman of the committee is in favor of the resolution, I think the apprehensions are not well founded. In addition to that, a motion could be made to discharge the committee at any time and the resolution could be brought before the Senate, if the Senate saw fit to act upon it.

Mr. REED of Missouri. The conclusion of the Senator does not follow. If a resolution goes to the Foreign Relations Committee, it does not at all follow that that committee will be

called in immediate session, and it does not at all follow that that committee will report the resolution out. It does absolutely follow that there must be some delay, and this is no time for delay.

There has been a good deal of talk here about our soldiers having acted over there in a manner pleasing to the Germans, and it is stated that they are all marrying German girls. Are we sending them over there and paying their expenses because we are running a matrimonial bureau? Let us understand the real reason why they have been desired there. Undoubtedly every German who loves the Fatherland, as he calls it, resents the foot of any foreign soldier on his soil, but he prefers having an American to a Frenchman or an Englishman or an Italian or the soldier of any other nation, because he knows that he gets fairer treatment from us than from them. That is all there is to his welcome to the American soldier.

I suppose Germany would like to have an American army there if France were to invade her, if Germany were right sure that the American Army would take Germany's side. But the thing I am talking for is—in view of this threatened condition and the fact that our troops have no business there anyway—to get them out of a position where they may be forced to take sides, for the minute they are forced to take sides, then we will incur the enmity of one or the other of those nations. We will offend either France or offend Germany, and let us remember we are now bound to Germany as we are to France by a solemn treaty of peace, and if we look to the future, as we ought to, we must regard that treaty in good faith and attempt to carry it out in its true spirit.

I do not want an American army in a place where its influence will almost necessarily be cast on one side or the other. I did not offer this resolution in order to place the United States in a position of taking sides in the controversy over there, but to get us in a position where we would not be obliged to take sides, and the amendment to the resolution offered by the Senator from Indiana [Mr. New] is entirely acceptable to me.

I want to get America out of the danger zone, out of a place where trouble is likely to ensue. Gentlemen may say there is no danger; that the mere presence of America is such a majestic thing that all power will pause at its mere presence; that no nation will do aught to offend us; and that our mere moral presence is enough to arrest the mailed hand of any country. I heard that argument made just before we declared war. There were thousands of people, there were Senators, who believed that a mere declaration of war on the part of America would end the European struggle, but we had no sooner declared war than we were called upon for troops.

America's position may be a proud one, but I sometimes think we are about the only people who indulge in a full measure of that pride. Other nations do not regard us as omnipotent, and this much is certain, that as long as we have those troops in Europe, when trouble is menacing, every effort will be made by one side or the other to gain an advantage from that. That means we begin to take sides in the controversy. Once a nation puts its finger in a strife between two other nations, its hand, its arm, and its body are likely soon to follow.

Let us get these American boys home. Let European statesmen take the responsibility of their own acts. Let no situation exist where, even by intent and conspiracy, an attack might be made for the mere purpose of dragging us into a conflict. The Senator from Massachusetts stated the correct position, in my opinion, when he said that these troops should have been home long ago.

Certainly they should have been ordered home when we signed a solemn treaty of peace with Germany. The Senator from New Mexico says we should know the reason for the troops being kept there. We should have known that reason long ago, if there be a reason. The country should have known it; the world should have known it.

Four years ago last November the battle flags were furled, the war was over, but we kept our troops there. It was justifiable up to the time the treaty of Versailles was signed, and not one minute longer. When that treaty was signed European nations had made their peace. We had no further responsibility to them. They got what they demanded, and perhaps it was our duty to stand by until they did get what they demanded. When they got what they demanded it was no part of our duty to act as a collection agency for indemnities or penalties which inured to them, when we were marching out without the levy of a penny of indemnity. That was their business.

Senators, I think, are mistaken. They imagine the people of this country do not want their troops home and do not want to escape this present menace in Europe. I hope the motion will be voted down.

Mr. HEFLIN rose.

Mr. JONES of Washington. Mr. President, if we could have a vote now, I would be perfectly willing to have it taken. This discussion has been going on nearly an hour since the unfinished business came up; and unless we can have a vote, I shall be constrained to call for the regular order.

Mr. HEFLIN. I will not occupy more than two minutes' time, and then I will be perfectly willing to have a vote taken.

Mr. JONES of Washington. If the Senator will take only a couple of minutes, I will withhold the call for the regular order.

Mr. HEFLIN. Mr. President, in reply to the Senator from New Mexico, I just want to say that the chairman of the Committee on Foreign Relations received a letter from the President when the Borah amendment asking for an economic conference was pending in this Chamber, and in that letter the President was quick to let the Senate know that he opposed that amendment. The President must have known that on yesterday the Senator from Missouri introduced this resolution, and the chairman of the Committee on Foreign Relations [Mr. Lodge] has been on the floor to-day; and if the President had opposed the resolution very strongly, I suppose we would have heard from him. He knew what was going on here.

I think these troops ought to be brought home. The Republican Party promised in 1920 they would bring them home just as soon as possible, and they should have been brought home immediately after the treaty was signed. They have not been brought home, and we ought to bring them home now.

I do not want to embarrass the President in any way, and I do not want the country endangered in any way by the threatening conditions which now obtain in Europe. I do not want our boys to be there so that harm could come to them. I hope the resolution will pass.

Mr. DIAL. Mr. President, last year when the Army appropriation bill was before us, I offered an amendment providing that none of the funds appropriated therein should go to pay our soldiers in Germany after 60 days. That amendment was defeated. I felt then that our soldiers ought to be brought home, and I have felt the same ever since. I believe the quicker we bring them home the quicker those countries will settle their differences, and it will be better for all parties concerned. I shall therefore vote for the resolution.

The VICE PRESIDENT. The question is on agreeing to the motion to refer the resolution.

Mr. REED of Missouri. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NEW. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NEW. I understand the vote is on the motion of the Senator from New Mexico [Mr. Jones]?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Mexico [Mr. Jones] to refer the resolution to the Committee on Foreign Relations. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. JONES of Washington (when his name was called). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him with a pair during his absence, but I have a right to transfer it. I find I can transfer my pair to the junior Senator from Iowa [Mr. BROOKHART]. I do so and will vote. I vote "nay."

Mr. POMERENE (when his name was called). Announcing my pair with my colleague [Mr. WILLIS], who is detained because of illness in his family, I refrain from voting. If I were permitted to vote, I would vote "yea."

Mr. REED of Pennsylvania (when his name was called). Transferring my general pair with the junior Senator from Delaware [Mr. BAYARD] to my colleague [Mr. PEPPER], I vote "yea."

Mr. SHIELDS (when his name was called). I am paired with the Senator from Maine [Mr. HALE], who is absent. I understand, on account of illness. I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. TRAMMELL (when his name was called). In the absence of my pair, the senior Senator from Rhode Island [Mr. COLT], and being unable to obtain a transfer, I withhold my vote. If permitted to vote, I would vote "nay."

Mr. WALSH of Massachusetts (when Mr. WADSWORTH's name was called). On this question I am paired with the Senator from New York [Mr. WADSWORTH]. If he were present, he would vote "yea"; and if I were at liberty to vote, I would vote "nay."

Mr. WALSH of Montana (when his name was called). I have a general pair with the Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Nevada [Mr. PITTMAN], and vote "nay."

Mr. CURTIS (when Mr. WILLIS's name was called). I wish to announce that the junior Senator from Ohio [Mr. WILLIS] is unavoidably detained by reason of serious illness in his family. He is paired with his colleague [Mr. POMERENE], as has been stated.

The roll call was concluded.

Mr. BROUSSARD (after having voted in the negative). I have a general pair with the Senator from New Hampshire [Mr. MOSES]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and permit my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from Colorado [Mr. NICHOLSON] is unavoidably detained. If present, he would vote "nay."

I also wish to announce that the Senator from New Jersey [Mr. EDGE] has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. CARAWAY. I announce the absence of my colleague [Mr. ROBINSON] on official business.

Mr. OVERMAN. I desire to announce that my colleague [Mr. SIMMONS] is necessarily absent on account of important business. He has a general pair with the Senator from Minnesota [Mr. KELLOGG].

Mr. WATSON (after having voted in the affirmative). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I have voted, but find that that Senator is not present. Therefore I transfer my pair to the junior Senator from New Hampshire [Mr. KEYES] and permit my vote to stand.

Mr. JONES of New Mexico (after having voted in the affirmative). I inquire if the Senator from Maine [Mr. FERNALD] has voted?

The VICE PRESIDENT. The Senator has not voted.

Mr. JONES of New Mexico. I have a general pair with that Senator. I do not know how he would vote upon this question. I am unable to obtain a transfer of the pair, and therefore withdraw my vote.

The result was announced—yeas 22, nays 38, as follows:

YEAS—22.

Calder	McCormick	Philps	Sutherland
Dillingham	McKinley	Ransdell	Townsend
Elkins	Myers	Reed, Pa.	Watson
Ernst	Nelson	Shortridge	Weller
Fletcher	New	Spencer	
Lodge	Oddie	Sterling	

NAYS—38.

Ashurst	Culberson	Heffin	Reed, Mo.
Ball	Cummins	Hitchcock	Sheppard
Borah	Curtis	Johnson	Smith
Brandagee	Dial	Jones, Wash.	Stanfield
Broussard	France	Kendrick	Stanley
Bursum	George	Ladd	Underwood
Cameron	Glass	La Follette	Walsh, Mont.
Capper	Harreld	McKellar	Warren
Caraway	Harris	McNary	
Couzens	Harrison	Overman	

NOT VOTING—36.

Bayard	Jones, N. Mex.	Norbeck	Shields
Brookhart	Kellogg	Norris	Simmons
Colt	Keyes	Owen	Smoot
Edge	King	Page	Swanson
Fernald	Lenroot	Pepper	Trammell
Frelinghuysen	McCumber	Pittman	Wadsworth
Gerry	McLean	Poindexter	Walsh, Mass.
Gooding	Moses	Pomerene	Williams
Hale	Nicholson	Robinson	Willis

So the Senate refused to refer the resolution to the Committee on Foreign Relations.

Mr. MYERS. Mr. President, now that it appears the resolution of the Senator from Missouri [Mr. REED] will be voted upon, I desire to state briefly the reasons which impel me to vote against it.

I do not believe the resolution should be adopted, at any rate without being first referred to a committee; without the Senate having the judgment of a committee which shall have had opportunity to investigate the matter and learn and report whether there are any reasons why American troops should be left in the Rhine Valley or any reason why they should be withdrawn. In that event, unless the committee should report strong and cogent reasons for the withdrawal of the troops, I should even then vote against a resolution requesting or advising the President to withdraw them.

There was reason for stationing and keeping some of our troops in the Rhine Valley after the signing of the armistice. President Wilson was then Commander in Chief of the Army and Navy of the United States, and he had, I am sure, good and sufficient reasons for his action in keeping some of our troops

there. President Harding, who succeeded him, has continued to keep some of them there. Some of them have been gradually withdrawn, and the number there has been greatly diminished; but there are still a small number there, and I have no doubt President Harding, the Commander in Chief, has sound reasons for keeping them there. I believe we have much the same reason for keeping troops there that the Entente Allies have for keeping their troops there; that the difference is only one of degree. It is true we have no reparations due us, expect none, and will have none, but a large number of claims have been made and more will be made by citizens of this country against Germany for damages inflicted by Germany upon them prior to our entrance into the World War. Citizens of this country have something due them from Germany, and I think we should be just as much interested in collecting claims due our citizens as the Entente Allies are in securing reparations for themselves. It is a difference in degree; that is all.

We are interested in maintaining order in that section of the world. I think it is to our interest, as well as to the interest of the rest of the world, to have order maintained there and to see that Germany complies with her obligations, no matter what they may be, whether reparations or damages. Undoubtedly our troops have had a stabilizing effect there, and I do not see any reason why we should run away from there now, simply upon the mere appearance of trouble arising. Our troops were put there to prevent trouble, and why should we run away immediately that trouble is threatened? True, it is reported that France threatens to invade the Ruhr Basin. As I understand, under the provisions of the Versailles treaty, the Entente Allies have a right to invade the Ruhr Basin and take possession of it whenever Germany shall be found in default in her agreement to make payment of reparations.

I do not think we need to be so very much afraid of France doing anything wrong and dragging us into it. France has been our friend and our ally, and I do not think we need to mistrust her on this particular occasion. I do not think we should do anything which would tend to encourage Germany to continue willfully and deliberately to evade payment of her reparations, and, in my opinion, that would be the effect of the withdrawal of our troops just now. I think Germany has been willfully and deliberately evading payment of her reparations and pretending she could not pay more. If we should withdraw our troops at this particular time I have no doubt that action would encourage Germany to persist in her policy of evasion. It may be said we are not concerned in the collection of reparations for the Entente Allies. We are not directly concerned but we are indirectly concerned.

I think the peace, welfare, and prosperity of the world depends largely upon Germany making an effort in good faith to pay the reparations which she agreed to pay. We are interested in having her do so, as all the rest of the world is interested, on account of the stabilizing and tranquilizing effect it would have upon the world. While we are not directly concerned in compelling Germany to pay her reparations, I think we should be concerned not to do something which would encourage her willfully and deliberately to continue to evade payment. We are interested in having every nation in the world make an honest effort to comply with its duties and discharge its solemn obligations, because it is the only way in which the disturbed conditions of the world, I think, can be stabilized.

It is said by some that we are getting no pay from Germany for the expense of keeping our troops over there. That is true, but that is no reason why the troops should be withdrawn. We have had no payment on that obligation or at least none of any consequence. However, it costs us no more to keep troops there than here. Troops can be kept more cheaply there than here. I doubt, though, if we will ever be reimbursed. I do not think Germany intends to pay us, if she can get out of it. I do not think Germany intends to pay her reparations to the Entente Allies, if she can get out of it. In my opinion, there is only one argument that will have any influence on Germany and that is the argument of force. If France is entitled to use force, I do not think we should run away and refuse even to be a witness to what may take place there.

I think this would be a very inopportune time for us to withdraw our troops or even for the Senate to express a desire that the President withdraw them. The time and circumstances are inauspicious. I think the President should be left to exercise his own judgment in the matter and should not be hampered by action of the Senate. He is Commander in Chief of the armed forces of the United States. It is an Executive province, and I think it should be left to the President, without interference, for the present, at least. Therefore I shall vote against the resolution.

Mr. McCORMICK obtained the floor.

Mr. JONES of Washington. I should like to know how long the Senator from Illinois is likely to speak?

Mr. McCORMICK. About two or three minutes. If Senators will bear with me, I merely wish to say by way of reply, in part, to the Senator from Montana, that the argument which he advanced against the adoption of the pending resolution seemed to me to be one addressed to the Senate in its favor. It would have been more expedient, in my judgment, to have postponed action upon this resolution for a few days during the pending crisis in Europe, but since the Senate has decided otherwise, it would be a grave mistake by our action to lead Governments across the sea to believe that we approve the course which events have taken.

No one who has followed the press of this country can mistake its common judgment, its common criticism, of the course decided upon by the continental allies dealing with the question of reparations. Under these circumstances if this resolution were to fail, first there would be those in Europe who might easily construe its failure as an approval of their course toward reparations, while others would believe that we purpose the continuance of the occupation of Coblenz by American forces and that in so doing we represent the views of the American people. We know that that would not be true, but they would not know it across the sea.

Since this resolution has come before us and is about to be voted upon, there is only one candid course for the Senate to pursue, and that is to vote for the adoption of the resolution.

Mr. REED of Missouri. Mr. President, I ask for the yeas and nays on the adoption of the resolution.

The VICE PRESIDENT. The question is on the adoption of the resolution as modified. The Secretary will call the roll.

Mr. NEW. A parliamentary inquiry. I understand that the amendment which was offered by me to the resolution was accepted by the Senator from Missouri [Mr. REED] and is a part of the resolution.

Mr. REED of Missouri. Yes, sir.

The VICE PRESIDENT. That is correct.

The reading clerk proceeded to call the roll.

Mr. BROUSSARD (when his name was called). Making the same announcement which I made before in reference to my pair and its transfer, I vote "yea."

Mr. JONES of New Mexico (when his name was called). I have a general pair with the Senator from Maine [Mr. FERNALD]. I do not know how he would vote on this motion, and I am unable to obtain a transfer. I therefore withhold my vote.

Mr. JONES of Washington (when his name was called). Making the same announcement with reference to my pair and its transfer as before, I vote "yea." I also desire to announce that if the junior Senator from Iowa [Mr. BROOKHART] were present and voting he would vote "yea."

Mr. LA FOLLETTE (when the name of Mr. NORRIS was called). The Senator from Nebraska [Mr. NORRIS] is absent from the Senate on account of a death in his family. If he were present he would vote "yea" on this resolution.

Mr. POMERENE (when his name was called). Again announcing my pair with my colleague, the junior Senator from Ohio [Mr. WILLIS], who is absent because of illness in his family, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. REED of Pennsylvania (when his name was called). I make the same announcement as to my pair and its transfer as on the former vote and vote "nay."

Mr. SHIELDS (when his name was called). On account of the absence of my pair, the Senator from Maine [Mr. HALE], as stated, I will withhold my vote. If my pair were present, I should vote "yea."

Mr. SUTHERLAND (when his name was called). Making the same announcement as on the previous vote with reference to my pair and its transfer, I vote "yea."

Mr. TRAMMELL (when his name was called). My pair being absent, and being unable to obtain a transfer, I withhold my vote. If permitted to vote, I should vote "yea."

Mr. WALSH of Massachusetts (when his name was called). On this question I am paired with the Senator from New York [Mr. WADSWORTH]. I transfer that pair to the Senator from Nebraska [Mr. NORRIS] and will vote. I vote "yea."

Mr. WALSH of Montana (when his name was called). Transferring my pair as on the preceding vote, I vote "yea."

The roll call was concluded.

Mr. CARAWAY. I wish to announce the unavoidable absence of my colleague, the senior Senator from Arkansas [Mr. ROBINSON], on official business. If present, he would vote "yea."

Mr. OVERMAN. I desire to state that my colleague, the senior Senator from North Carolina [Mr. SIMMONS], is necessarily absent, and is paired with the Senator from Minnesota [Mr. KELLOGG].

Mr. CURTIS. I desire to announce that the junior Senator from Colorado [Mr. NICHOLSON] is necessarily detained from the Senate. If present, he would vote "yea."

I also wish to announce that the Senator from New Jersey [Mr. EDGE] has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. SHIELDS. I transfer my pair with the Senator from Maine [Mr. HALE] to the Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. SUTHERLAND (after having voted in the affirmative). I withdraw the statement which I have made regarding the transfer of my pair. I understand that, if present, the Senator from Arkansas [Mr. ROBINSON], with whom I am paired, would vote "yea," and therefore I let my vote stand.

The result was announced—yeas 57, nays 6, as follows:

YEAS—57.

Ashurst	Dillingham	Ladd	Shortridge
Ball	Elkins	La Follette	Smith
Borah	Ernst	Lenroot	Stanfield
Brandegee	Fletcher	Lodge	Stanley
Broussard	France	McCormick	Sutherland
Bursum	George	McKellar	Townsend
Calder	Glass	McKinley	Underwood
Cameron	Harrell	McNary	Walsh, Mass.
Capper	Harris	Oddie	Walsh, Mont.
Caraway	Harrison	Overman	Warren
Couzens	Hedlin	Phipps	Watson
Culberson	Hitchcock	Ransdell	Weller
Cummins	Johnson	Reed, Mo.	
Curtis	Jones, Wash.	Sheppard	
Dial	Kendrick	Shields	

NAYS—6.

Myers	New	Sterling	Williams
Nelson	Reed, Pa.		

NOT VOTING—33.

Bayard	Jones, N. Mex.	Norris	Smoot
Brookhart	Kellogg	Owen	Spencer
Colt	Keyes	Page	Swanson
Edge	King	Pepper	Trammell
Fernald	McCumber	Pittman	Wadsworth
Frelinghuysen	McLean	Polindexter	Willis
Gerry	Moses	Pomerene	
Gooding	Nicholson	Robinson	
Hale	Norbeck	Simmons	

So the resolution as modified was agreed to, as follows:

Resolved, That it is the sense of the Senate of the United States that the President should order the immediate return to the United States of all troops of the United States now stationed in Germany.

In giving this expression of its opinion the Senate disavows any unfriendly or partisan attitude toward any nation or nations of Europe.

THE MERCHANT MARINE.

Mr. JONES of Washington. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. JONES of Washington. Mr. President, I desire to have presented to the Senate the request for unanimous consent which I sent to the desk yesterday afternoon.

The VICE PRESIDENT. The Secretary will read the request for unanimous consent submitted by the Senator from Washington.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that on and after the calendar day of Monday, January 22, 1923, in the consideration of H. R. 12817, the shipping bill, no Senator shall speak more than once or longer than 60 minutes upon the bill, or more than once or longer than 30 minutes upon any amendment offered thereto, and that on and after the calendar day of Thursday, February 1, if said bill is not sooner disposed of, no Senator shall speak more than once or longer than 15 minutes upon the bill or more than once or longer than 10 minutes upon any amendment then pending or thereafter offered.

Mr. FLETCHER. Mr. President, the junior Senator from Iowa [Mr. BROOKHART] has been necessarily called from the Chamber. Before leaving he asked me, if the request of the Senator from Washington were presented, to note his objection to it. I therefore feel obliged to object.

Mr. WATSON. Do I understand the Senator from Florida to object?

Mr. FLETCHER. Yes; for the junior Senator from Iowa.

Mr. WATSON. I do not think a Senator on the floor can voice the objection of another Senator who is not present.

Mr. FLETCHER. Very well; I object on my own responsibility. We need not be technical about the matter. I am stating the fact, as I was requested to do by the junior Senator from Iowa, and the objection is noted. Senators may take it either way they like.

The VICE PRESIDENT. Objection is made.

The question is on the motion of the Senator from Nebraska [Mr. NORRIS] to proceed to the consideration of the bill (S. 4050) to provide for the purchase and sale of farm products.

Mr. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The roll was called, and the following Senators answered to their names:

Ball	Ernst	McKellar	Sutherland
Broussard	Fletcher	Nelson	Townsend
Bursum	George	New	Trammell
Capper	Harris	Oddie	Underwood
Caraway	Harrison	Pomerene	Walsh, Mass.
Couzens	Heflin	Ransdell	Watson
Curtis	Jones, Wash.	Sheppard	
Dial	Lenroot	Shields	
Dillingham	Lodge	Sterling	

The VICE PRESIDENT. Thirty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. BRANDEE, Mr. CAMERON, Mr. GLASS, Mr. MCCORMICK, Mr. MCKINLEY, Mr. OVERMAN, Mr. PHIPPS, Mr. REED of Missouri, Mr. SHORTRIDGE, Mr. STANLEY, and Mr. WARREN answered to their names when called.

The VICE PRESIDENT. Forty-four Senators have answered to their names. A quorum is not present.

Mr. JONES of Washington. Mr. President, as this is Saturday afternoon, I know if we secure a quorum we shall accomplish nothing; that the time will simply be taken up until the usual hour for adjournment. I realize the difficulty when I am up against a situation of this kind. I do not think we would gain anything by sending the Sergeant at Arms after absent Members this afternoon. I do not believe we will lose anything by adjourning at the present time. So I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, January 8, 1923, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 6, 1923.

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, our unchangeable friend, do Thou hear our prayer as we lift to Thee our breath of gratitude. In our sins and in our failures remember mercy. Give us the love that envies not, that seeks not its own but suffers and labors long for the advancement of everything that is good. Ever hold us to the duty, the dignity, and the destiny of our being. Be Thou the refuge for every officer, every Member, every helper, and every home of this assembly. Be with him whose heartstrings have been shattered by the hand of death and give him great peace. Touch all our hearthstones and to-morrow fill them with the sweetest joy. Amen.

The Journal of yesterday's proceedings was read and approved.

PEYOTE.

Mr. MCCLINTIC. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes in order to correct what I think to be an erroneous opinion that might be formed from an article appearing in the Washington Post this morning relative to certain legislation.

Mr. CRAMTON. If the gentleman will confine his request to five minutes, I will not object.

Mr. MCCLINTIC. It probably will not take more than five or seven minutes; just enough to have a letter read. I think seven minutes will be enough.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. MCCLINTIC. Mr. Speaker and gentlemen of the House, in order that an erroneous opinion may not be formed, I respectfully wish to call attention to an item which appeared in the Washington Post this morning relating to the use of peyote among the Indians. I want to say that it is used as a religious rite among the Indians of Oklahoma, and there are Indian doctors who prescribe it as a medicine. It has never been decided by any of the medical authorities to be a deleterious drug. If it is decided to be a deleterious drug and is harmful to the Indians, I will be the last one ever to make any objec-

tion to its suppression. In my time I ask the clerk to read the article published in the Washington Post and a letter which came to me unsolicited from a doctor in Oklahoma who is trying to look after the health and welfare of the Indians.

The Clerk read as follows:

[From the Washington Post, Saturday, January 6, 1923.]
REDSKINS' "SUPERHOOD" SURVIVES SENATE ATTACK.

The crafty red-skinned aborigine may have the same difficulty as his white conqueror in getting his fire water these days, but he still has his peyote, and peyote, according to competent testimony, will produce a more prolonged jag than the best 100-proof redevye.

The Senate yesterday, after considerable debate, declined to give its approval to an appropriation of \$25,000 for the suppression of the use of peyote among the Indians. Peyote, it was generally admitted, enabled the Indians to get even drunker than they could on "red" liquor, but it was saved from the ban on the ground that its use was absolutely essential to the Indians' religion.

When the item came up, in connection with the Interior Department bill, Senator HARRISON (Democrat), Mississippi, asked Senator SMOOR (Republican), Utah, to give the Senate some information about peyote.

"It's the same to the Indian as rot-gut whisky is to the white man," answered Senator SMOOR. "The only difference is that its effect lasts longer."

He explained that it was made of a small bean grown along the Rio Grande, and that one of its effects was to produce a delusion of great wealth. Senator JONES (Democrat), New Mexico, said he had investigated its effects on the Indians and had been informed by a missionary that it brought about "a most beautiful state of mind."

"The missionary added that it produced such a good feeling that he felt sure he could make Christians of all the Indians in the United States within a few days if he had a large enough supply of peyote beans," said Senator JONES.

ANADARKO, OKLA., January 2, 1923.

HON. J. V. MCCLINTIC,
Washington, D. C.

DEAR SIR: No doubt you will look upon this as an unwarranted presumption on my part, and had you wished any information from me, would have asked for it. Still, I am hoping you might find this of some little interest.

The stand you took regarding the bill aimed at peyote was of course published in the Oklahoman, and it is this I am writing about.

No doubt you know that my work here has to do with the Kiowa, Comanche, Delaware, Caddo, Wichita, Apache Indians; a great number of all these use peyote to some extent.

Before assuming the attitude toward this bill which you did, I am sure you informed yourself upon the subject; but, unfortunately, Mr. MCCLINTIC, the medical profession really knows very little about the effect of peyote or its actual value in disease, if any.

Dr. Ernest E. Hadley, of St. Elizabeths Hospital, Washington, D. C., wrote me some time ago, requesting that I assist him in obtaining a supply of the drug for experimental work, as he and Doctor Nolon were contemplating some such work. It was my intention of carrying out some experiments of my own and checking with the results obtained by these two doctors. Working separately and then comparing results would be much more reliable than if all were working together. At first I thought I could obtain the peyote for Hadley and myself, as one of the peyote doctors (Indian) promised to supply me; but he has failed to do so, and I doubt that he will, as the Indians are suspicious of all whites regarding their intention toward peyote, and it is impossible to obtain the drug through the regular drug firms, and the Indians send one of their number into Mexico for the drug.

Mr. MCCLINTIC, I do hope you won't think me too presumptuous in this matter, and I am perfectly well aware that you are able to look out for your own interest; however, I feel that you may not fully understand what particular element it is that is stirring up the war on peyote.

It is the missionaries that are continually writing about the peyote orgies, etc.; it is this element that will fight you if you stand up for the Indians in their use of this drug. Unfortunately, there is no proof that peyote has any real value in disease. We have only the Indians' word for it. Personally, I believe there must be some therapeutic value to the drug; but this is only an opinion, and not being a Murphy, Osler, or Mayo, my poor opinion is of little value. The missionaries can not prove that it has no value; but you know how public sentiment goes, and these missionaries have great influence in some quarters. From what I can learn, their fight is not based upon the actual physical harm done the Indian by the use of peyote—that is an excuse to offer the public—but it is because the peyote church is gaining more converts than the missionaries, and one familiar with the average missionary and his work among the Indians is not surprised. These men are, as a rule, narrow, bigoted, and overbearing in their attitude toward any who do not "think or pretend to think as they do." They sometimes ride roughshod over old Indian tradition, custom, and belief; and I am sorry to say that some of them destroy the "belief" of the Indian in the Gods of his forefathers, yet give him nothing in place of it.

This same thing exists in regard to peyote. Instead of going about quietly and really studying the drug or have it investigated by men qualified to do so, they jump in and begin telling the Indian it is no good, he is a fool to use it, and Uncle Sam is going to stop it, etc., and write letters about the peyote meetings that are as far from the truth (some of them) as we are from the sun.

It is not my intention to bore you with my opinion, etc.; my idea was merely to let you know that in opposing the bill against peyote you will incur the enmity of these missionaries here at least, and they are not such good Christians as to love their enemies.

I can state positively that I have never found any reason to think the Indians worship the peyote cactus itself; all state positively that they worship a Supreme Being, an Invisible God, and pray to Him and thank Him for giving them peyote to heal their ills. It might be that Belo Coad, Apache, Okla., R. F. D., could furnish evidence of the healing qualities of peyote; he is an educated Indian of more than average intelligence and has studied and used peyote for 30 years; is the leading peyote doctor in this locality.

Now, Mr. MCCLINTIC, please pardon me for butting in on this matter. I have informed you how matters stand here. These missionaries are determined to wipe out the peyote church and are using the United States Government to do it. I know nothing about peyote, but have been here since September and although I treat from 10 to 18 Indians

every day and have been in many, many Indian homes I have never observed any of the dreadful things supposed to exist among these peyote eaters. I am neither against peyote nor for it; only I believe in fair play for all, and think we should first prove that peyote is what the missionaries claim it is before calling upon Congress to adopt drastic steps to eradicate it; but above all I did not want to see JIM McCLINTIC get these missionaries on his trail without warning him, even if I had to presume upon his many kindnesses to me to do it. You know the pulpit wields a dreadful power, second only to the press.

Once more asking you to pardon me for butting in, and assuring you that it is only my regard for you that encourages me to write this letter and trusting that you will not hesitate, if I can obtain any desired information, to call upon me, but keep my name from the missionary board unless you need to use this information for your own benefit. I beg to remain, with many thanks for past favors,

Gratefully and respectfully yours,

Mr. McCLINTIC. Mr. Speaker, I have a telegram authorizing me to use the letter.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4030. An act for the relief of Capt. Murray A. Cobb.

The message also announced that the Senate had passed with amendments the bill H. R. 13559, the Interior Department appropriation bill, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had passed joint resolution (S. J. Res. 259) authorizing the President to abrogate the international agreements embodied in certain Executive orders relating to the Panama Canal, in which the concurrence of the House of Representatives was requested.

INTERIOR DEPARTMENT APPROPRIATIONS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the Interior Department appropriation bill be taken from the table, all amendments be disagreed to, and the bill sent to conference, and that the Chair appoint the conferees.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the Interior Department appropriation bill (H. R. 13559) and disagree to the Senate amendments and ask for a conference. Is there objection?

Mr. CRAMTON. I will say that the gentleman from Oklahoma [Mr. CARTER] has no objection.

Mr. CARTER. May I ask the gentleman if he knows of any changes that have been made in the House bill?

Mr. CRAMTON. I noted by the press that the bill as reported to the Senate carried an increase of only \$363,000. I have not had an opportunity to check up the changes by the committee or on the floor of the Senate.

Mr. BLANTON. Mr. Speaker, reserving the right to object, I should like to ask the gentleman, after hearing that two or three page letter from a doctor who did not know anything about peyote, if he is going to permit the paragraph for the suppression of peyote to go out of the bill without giving the House a chance to pass on it?

Mr. CRAMTON. I will say to the gentleman that he realizes that when going into conference one does not like to commit himself, particularly when he has not had an opportunity to consult his colleagues.

Mr. BLANTON. The gentleman knows that the House has passed on that matter several times by a very decided vote.

Mr. CRAMTON. My own personal desire under existing conditions would be to retain the House provision.

Mr. BLANTON. Will the gentleman give us a chance to pass on that before he lets it go out?

Mr. CRAMTON. I hardly want to pledge myself on that.

Mr. BLANTON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Texas objects.

DISTRICT OF COLUMBIA APPROPRIATIONS.

On motion of Mr. CRAMTON the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the District of Columbia appropriation bill (H. R. 13660), with Mr. HICKS in the chair.

The CHAIRMAN. When the committee rose on yesterday there was pending a point of order made by the gentleman from Texas [Mr. BLANTON] against a paragraph in the bill. In order that the Members may be informed as to what the paragraph is, the Chair without objection will ask the Clerk to read the paragraph again.

The Clerk read as follows:

To carry out the provisions contained in the District of Columbia appropriation act for the fiscal year 1914, which authorize the commissioners to open, extend, or widen any street, avenue, road, or high-

way to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown there is appropriated such sum as is necessary for said purpose during the fiscal year 1924, to be paid wholly out of the revenues of the District of Columbia.

Mr. CRAMTON. Mr. Chairman, in connection with that point of order, verifying my suggestion to the Chair last night to the effect that the provision has been treated for several years by the courts as law, I have here a letter from President Rudolph, of the Board of Commissioners of the District, responding to my inquiry, which letter is as follows:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, January 6, 1923.

Hon. LOUIS C. CRAMTON,
Chairman of Subcommittee on Appropriations,
District of Columbia, House of Representatives.

MY DEAR MR. CRAMTON: Referring to your inquiry as to whether any question has been raised in the courts whether certain legislation contained in the District appropriation act for the fiscal year 1914 (U. S. Stats., vol. 37, p. 950), is permanent law, I beg to advise you that this provision has always been considered by the commissioners and by the courts as permanent law. The corporation counsel advises that in no case which has been instituted under this law has the question of its permanency been raised. A great deal of District legislation, such as the public utilities law, the law regarding policemen and firemen's pensions, and other similar enactments, have been carried in District appropriation acts.

Since the enactment of this law, annual appropriations have been made in the District appropriation act from year to year to carry out its provisions.

In the annual report of the Commissioners of the District of Columbia for the fiscal year 1922 (p. 45), you will see that 46 condemnation cases were before the courts during the year, of which a considerable number were instituted under the provisions of this law.

Some of the more important cases now pending in court which were instituted under the provisions of this law are the opening of all streets in Barry farm, a subdivision in the vicinity of St. Elizabeths Hospital; the opening of Webster, Allison, and Buchanan Streets and Arkansas Avenue; the opening of Western Avenue between Massachusetts and Wisconsin Avenues; and the widening of Southern Avenue between Bonini Road and Livingston Road. Other larger condemnation cases in contemplation are the widening of Canal Road from Thirty-sixth and M Streets to the Conduit Road, and the widening of Broad Branch Road from the District line to Rock Creek Park.

Very respectfully,

CUNO H. RUDOLPH,
President Board of Commissioners of the District of Columbia.

It will be seen from this letter that many of the cases brought under this provision are pending in the courts of the District, but no attorney appearing before those courts and opposing the proceedings instituted under this section has seen fit to question its validity as law. Not only can Congress very well afford to follow the interpretation of the courts, but I feel that it would be dangerous for the House now to have a holding that this is not law. It might have a disturbing effect upon many proceedings pending in the courts.

Mr. COOPER of Wisconsin. Mr. Chairman, I rise to ask the chairman of the subcommittee as to a question of fact. I notice that in lines 17 and 18 it speaks of "that portion of the District of Columbia outside of the cities of Washington and Georgetown." What are the boundary districts of the city of Washington?

Mr. CRAMTON. As my colleague from Kentucky [Mr. JOHNSON] has pointed out so well, there is at the present time no such entity as the city of Washington. There was at one time, however.

Mr. COOPER of Wisconsin. That is what I understood.

Mr. CRAMTON. There is now a District of Columbia.

Mr. COOPER of Wisconsin. There is no city of Washington, there are no boundary limits to the city of Washington. If you put into the statute that the territory in question shall be the territory between the limits of the city of Washington and the boundary of the District of Columbia, just what do you mean, and over what specific territory would the commission's authority extend under this law?

Mr. CRAMTON. Mr. Chairman, the question the gentleman raises as to the language in the appropriation affected is, of course, not material to the determination of the validity of the act of 1914 on which the point of order is based. There may be some desirable change in this language, but it would not affect the validity of the act of 1914.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit, I would state in connection with the remarks made by the gentleman from Wisconsin [Mr. COOPER] that the original city was first chartered in 1902, and that charter gave to the city of Washington no boundary whatever. It was as broad as the face of the earth. The charter never even said that it was in the District of Columbia.

Mr. DOWELL. Mr. Chairman, on the point of order, in respect to the letter read by the chairman of the subcommittee, it seems to me that this sheds no light whatever upon this question. The opinion of the Commissioner of the District

of Columbia has nothing whatever to do with the question of whether or not the law authorizes this. The question as to whether or not some attorney has failed to raise the question has no bearing upon the matter. The Chair is here called upon to pass on this with reference to the language and spirit of the law authorizing these appropriations, and upon nothing else. I have no objection whatever to the gentleman from Michigan [Mr. CRAMTON] submitting a letter from the commissioners, but I certainly would feel that a parliamentary ruling based upon a letter of this character would be out of keeping with the parliamentary practices of the House. The Chair must go back to the original legislation to determine the nature of that authority, and pass upon this question in the light of the permanent law.

The CHAIRMAN. The Chair would like to ask the gentleman from Michigan or the gentleman from Kentucky a question. Since the passage of this act of 1914, with that proviso in it, have any streets in the District of Columbia been opened up without a special act of Congress, or have they all been opened up without special acts of Congress?

Mr. STAFFORD. No.

Mr. BLANTON. No; not one.

Mr. CRAMTON. Since the act of 1914 proceedings have been instituted and streets have been opened under that act of 1914, but whether there has been any special act that did open some special street I can not tell. I think not.

Mr. MADDEN. The streets were opened as the result of court decrees.

Mr. CRAMTON. Decrees based on the act of 1914.

The CHAIRMAN. Then the Chair will assume that all streets opened up since 1914 have been opened up under the authorization of the act of 1914?

Mr. STAFFORD. Mr. Chairman, after yesterday's proceedings, I spoke to the clerk of our committee and he told me that all proceedings for opening streets, damage suits, and the like, condemnation proceedings, have been under this general authorization act of 1914, and to my knowledge no special act has passed the House since 1914 providing for the opening of streets, whereas prior to that time on District days we frequently had special bills for that purpose.

Mr. BLANTON. Mr. Chairman, the gentleman from Iowa [Mr. DOWELL] is eminently correct. The Indian appropriation bill for years carried two-thirds of its provisions not authorized by substantive law. They were treated as permanent law until the gentleman from New York [Mr. SNYDER] resorted to his rights when he became a little peeved about his authority being taken away from his committee by the Committee on Appropriations, and made points of order, and section after section went out of that bill, until, under special rule, the bill had to be brought in here and revamped in a legislative way. The Chair will remember that. Because provisions in an appropriation bill have long been considered as permanent law is no reason why they are permanent law. Here is the crux of the whole business. If the Chair will read in yesterday's Star and yesterday's Times he will find out the purpose of this provision. He will see that there is a new plan entirely for the city here in the widening of numerous streets and the opening of several streets. The main plan is to widen a number of streets in the city of Washington, and they want to do it without any supervision of Congress whatever. This indefinite provision for the appropriation here could amount to forty or fifty million dollars before we get through with it.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. COOPER of Wisconsin. This law, if interpreted as it is now claimed it ought to be interpreted and always has been interpreted, would be similar to a law—I never heard of one—which would authorize a city council to give to a committee of that council the authority, in the discretion of such committee, to open, extend, or widen any street in that city.

Mr. BLANTON. Exactly. If they wanted to extend a street through Rock Creek Park they could do it under the provisions of this bill.

Mr. COOPER of Wisconsin. Congress, under the Constitution, takes the place of a city council for Washington and has exclusive authority to enact laws to govern it.

Mr. BLANTON. Yes; and we ought not to delegate that authority.

Mr. COOPER of Wisconsin. And yet we have, as a common council, turned over to a commission the right to open, extend, or widen any street—a commission not chosen by Congress nor by the people of Washington.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CRAMTON. The argument the gentleman is making now and the reinforcement of the gentleman from Wisconsin [Mr. COOPER] are both as to the desirability of lodging that judgment in the commissioners.

Mr. BLANTON. That is exactly what this provision does.

Mr. CRAMTON. That has nothing whatever to do with the question of the validity of the act of 1914. That is the question that is before the Chair. It is not a question as to whether it is a wise law, but as to whether it is law.

Mr. BLANTON. It was never contemplated in 1914 by the committee that put in that provision that they should have blanket authority to widen any street they saw fit in the city of Washington. Quite a number of streets that are in the program were mentioned in yesterday evening's paper. They took it for granted that this provision was going to get by, and they let the cat out of the bag and showed how many different streets they expected to widen right away. I know something about widening streets and the cost of such a thing. Write to the city of San Antonio or ask our colleague [Mr. WURZBACH] how much it has cost the city of San Antonio to widen two streets in that city, and he will tell you something about the expense of it.

It could run up into fifty, sixty, seventy, or one hundred million dollars in a very short time.

Mr. CRAMTON. Mr. Chairman, if I may take one more minute to suggest to the Chair the question before the committee is not the wisdom of the act of 1914. And it is not the question of the wisdom of the appropriation proposed in the pending bill. It is as to whether the act of 1914 is to-day valid law. If it is not valid, any proceedings to widen streets and to open new streets brought under that law of 1914 would be knocked out by the courts; they would not sustain any proceedings whatever. It is immaterial whether this section is in the appropriation act or not. If the act of 1914 is not law to-day, this section does not make it law. It only gives the money to carry into effect proceedings under it. If it is law, proceedings will be sustained under it; if it is not law, they will not, whether we give this item or not. So the question of the wisdom of the act is not before the committee. The question of wisdom of making appropriations to carry on proceedings under the act will come before the House when the point of order is disposed of.

Mr. ZIHLMAN. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. ZIHLMAN. So that we may get the record straight, does not the act of 1914 provide that the courts must assess benefits equal to the damages, and so the statement of the gentleman from Texas is entirely erroneous.

Mr. CRAMTON. Yes; of course that affects the question of the wisdom of the law but not its permanency.

Mr. ZIHLMAN. The gentleman referred to the enormous cost of opening streets. My understanding is that the act of 1914 provides that the benefits must be assessed equal to the damages.

Mr. CRAMTON. Certainly. And these expenses to carry out proceedings contained in this section referred to are paid wholly out of the revenues of the District.

Mr. LITTLE. Mr. Chairman, if my memory serves me, the original authority under which the commissioners will act is found in the twentieth volume of the Statutes at Large. What relation to that subsequent legislation has had I can not say, but there is only one amendment to that law that I know of. Whether the 1914 law applies I can not say, but if any of you are at a loss with regard to what the authority is you had better begin to study the twentieth volume. I just make that suggestion because my memory is pretty certain that that is where it is.

Mr. JOHNSON of Kentucky. Mr. Chairman, it occurs to me that the provision in the bill which is now under consideration is not at all a bad one. However, the question is not on its merits or demerits, and instead of that the question comes directly upon the point of order. The act of 1914 has been much discussed, but it has not been read for the benefit of the House, so I will read it:

That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways in that portion of the District of Columbia outside of the cities of Washington and Georgetown, adopted under the act of Congress approved March 2, 1893, as amended by the act of Congress approved June 28, 1898, by condemnation under the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided*, That the entire amount found to be due and awarded by the jury under such proceedings as damages for and in respect of the land condemned, plus the cost and expenses of said proceedings, shall be assessed by the jury as benefits: *And provided further*, That the costs and expenses of the condemnation proceedings taken under the provisions hereof and the amounts awarded as damages for and in respect of the land condemned shall be paid entirely from the revenues of the District of Columbia, and shall be repaid to the said District of Columbia from the assessments for benefits and covered into the

Treasury of the United States to the credit of the revenues of the District of Columbia, and such sum as is necessary for said purpose during the fiscal year to end June 30, 1914, is hereby appropriated, payable entirely from the revenues of the District of Columbia.

Mr. DOWELL. Will the gentleman reread the first line? I did not get that.

Mr. JOHNSON of Kentucky. "That the Commissioners of the District of Columbia are hereby authorized to open, extend, or widen any street, avenue, road, or highway to conform with the plan of the permanent system of highways," and so forth.

The question now arises, Mr. Chairman, whether that makes permanent or only temporary law. That provision is in the appropriation bill for 1914, and therefore made law for that year only. Because since that time a point of order has not been made against it in different appropriation bills does not make it permanent law. The commissioners themselves have not regarded it as permanent law. They from time to time have prepared and sent bills to the District Committee asking for authority to condemn land for streets. As has been well said by the gentleman from Wisconsin [Mr. COOPER], because the question has not been raised in the courts does not make permanent a temporary law. The same reason applies because the question has not been raised in the House. It may drift along from year to year as a temporary law, but it can not be made permanent merely because no Member of the House ever chose to make a point of order against it. As I said at the outset, I am not undertaking to question the merits of the proposition. As a member of the subcommittee I let it go by, believing it just as well to let the commissioners have that authority, but I believed all the while, and I believe now, that there is no question that it is subject to the point of order. Again, I wish to say I am not opposing the item on its merits, but I do think, for the purpose of having the rules of the House followed, that the point of order should be sustained.

Mr. TILSON. If the Chair will indulge me just a moment, it seems to me, Mr. Chairman, that the question for the Chair to decide is a simple one, and one that has no relation whatever to the merits or demerits of this alleged law. The language of the paragraph of the bill is simply sufficient to make the appropriation to be used to carry out the provisions contained in a certain act referred to. If there is no law now, certainly there is no attempt here to create law. It simply attempts to make an appropriation to carry out the provisions of a law which is cited here in this paragraph. There can be no harm done, it seems to me, if there is an appropriation made for carrying out the provisions of a law that does not in fact exist. This does not make law; therefore, if there be no law, its provisions can not be carried out even though we make an appropriation.

Mr. DOWELL. It occurs to me that that is no reason for ruling upon the point of order on the ground that it may or may not do irreparable injury. The question is whether there is law to sustain this appropriation. If not, the Chair should sustain this point of order and not overrule it because it will not do harm.

Mr. TILSON. The Chair can not determine that.

Mr. DOWELL. I want to suggest another thing: In the appropriation bills where there is legislation intended to be permanent you will recall that the Committee on Appropriations places the word "hereafter" in the legislation; it then applies to other appropriations outside of the bill pending and then is subject to a point of order. In this provision there is nothing to indicate that it is permanent law.

Mr. TILSON. This paragraph would certainly not make it permanent law. There is no attempt to legislate in this paragraph. It simply attempts to make an appropriation to carry out the provisions of a law supposed to be already in existence. If it is already in existence, this appropriation can be used for that purpose, and so far as the Chair is concerned, he is not called upon to determine whether that law is wise, whether it is permanent, whether it is temporary, or what the nature of the law is.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. BLANTON. If the legislative provision is passed only for one fiscal year and at the termination of that fiscal year ceases to be law, how could it be the basis for an appropriation?

Mr. TILSON. The gentleman is assuming that that is so. It does not appear to be so.

Mr. BLANTON. That is my contention.

Mr. TILSON. But this paragraph attempts to appropriate funds to carry out the provisions of a certain law. If there is no such law the money can not be expended. So far as the Chair is concerned, this paragraph states that there is such a law, and cites the year in which it was passed, and appropriates a sum of money to carry out its provisions.

Mr. JOHNSON of Kentucky. Does the gentleman mean to say that there is such a law or there was such a law?

Mr. TILSON. I say that, so far as this bill is concerned, there is such an act as that referred to in this paragraph.

Mr. JOHNSON of Kentucky. There was such an act, and that act has died.

Mr. BLANTON. It is dead.

Mr. DOWELL. The mere statement in this paragraph as to legislation heretofore enacted is of no value to the Chair in ruling upon this question. The parliamentary proposition is that there must be legislation to sustain this appropriation.

Mr. TILSON. The gentleman from Kentucky has just read a portion of that legislation.

Mr. DOWELL. It is purely for the purpose of construing the language of that legislation. Does the gentleman construe the paragraph read by the gentleman from Kentucky to be permanent law upon which this appropriation can be based?

Mr. TILSON. I do not think the Chair is called upon to determine whether that is permanent law or not.

Mr. DOWELL. That is the law referred to in this specific paragraph, and it is the only provision that the Chair apparently has to pass upon; and unless that is construed to be permanent law, it seems to me there is no question before the Chair, because no permanent law has been pointed out, unless the gentleman construes the language in the paragraph read by the gentleman from Kentucky to be permanent law.

Mr. TILSON. I do not think it is necessary for the Chair to go back and pass upon the previous act referred to in this paragraph.

Mr. DOWELL. Is it not a well-known principle that before an appropriation will stand the one who offers it must show the law upon which the appropriation is made?

Mr. TILSON. The Members supporting this paragraph have cited that law and read it into the Record.

Mr. DOWELL. But the gentleman himself will not say to the Chair that it is permanent law.

Mr. TILSON. So far as the Chair is called upon to rule, it is permanent law, in my judgment.

Mr. JOHNSON of Kentucky. Mr. Chairman, the position that I take is that the act of 1914, which is a part of an appropriation act of that year, made law for that year only. The Code of Law for the District of Columbia, section 491a, makes the permanent law. That permanent law reads as follows:

Whenever land is needed for the opening, extension, widening, or straightening of any street, avenue, road, or highway in the District of Columbia authorized by Congress, the Commissioners of the District of Columbia may institute in the Supreme Court of the District of Columbia sitting as a district court by petition a proceeding in rem for the condemnation of the land needed.

Now, the act of 1914, I can only repeat, made law only for the year 1914, and in other years the permanent law set out in the Code of the District of Columbia, which I have just read, must prevail.

Mr. BLANTON. And that requires an act of Congress.

Mr. JOHNSON of Kentucky. That gives the commissioners no power to open or condemn any street unless the authorization first be made by Congress.

Mr. CRAMTON. Mr. Chairman, if the gentleman will yield, the provision he has just read was enacted in 1907, and the act of 1914 was passed seven years later.

Mr. JOHNSON of Kentucky. But the act of 1907 was permanent law, and the act of 1914 is law for that year only.

Mr. CRAMTON. That is just what we are arguing about. Now, whether the act of 1914 was permanent law or not can not be determined by an act passed in 1907. It has nothing to do with the situation. My contention is that the act of 1914 is just as much law as any law we ever passed.

Mr. JOHNSON of Kentucky. It was only for that year. It only set aside the permanent law for that year.

Mr. CRAMTON. The act of 1914 was not tied to or related to any other item in any way. It was put in as permanent law.

The CHAIRMAN (Mr. HICKS). The Chair realizes that the determination of this question is of considerable importance. The gentleman from Kentucky referred to the act of April 30, 1906. In the opinion of the Chair this law, the permanency of which is not questioned, authorizes the institutions of condemnation proceedings for the purpose of opening, extending, and widening streets. It would seem to the Chair that in the appropriation act of 1914 the provision "that the Commissioners of the District of Columbia are authorized whenever in their judgment the public interest requires it to prepare a new highway plan," is a supplementary authority giving to the commissioners the right under the act of 1906 to extend the highway system in accordance with a definite plan; therefore the question that presents itself to the Chair is this: Is the provision in the act of 1914 permanent law, or was it only temporary? The

Chair has taken the time to consider this question rather thoroughly, for he is alive to the fact that it has far-reaching consequences.

The Chair admits that this point of order is a rather close one, and so far as the Chair has been able to ascertain there are no precedents covering the exact situation presented. The present occupant of the chair has frequently been called upon to render decisions involving the placing of legislative provisions on appropriation bills and has uniformly held that unless it was clearly evident that such legislative authorization incorporated in appropriation bills was of a permanent character the authorization thus created would terminate at the end of the fiscal year for which the appropriations were made.

It has been suggested that the test of permanency of legislation on an appropriation bill should rest upon the use or nonuse of the word "hereafter," and while this is the usual and more positive method of making legislation permanent, the Chair dissents from the view that this is the only test, for the Chair feels that other words might easily and frequently be employed to accomplish the same purpose. By reference to the appropriation act of 1914, the Chair finds that the legislative authority for the extension of the highway system—the permanency of which authority is now disputed—is clothed in this phraseology, "That the Commissioners of the District of Columbia are authorized whenever in their judgment the public interest requires it," and so forth. It seems to the Chair that the word "whenever," as used in this act, is for all intents and purposes synonymous with the word "hereafter."

From a practical standpoint it is hardly conceivable that a comprehensive plan for streets in a great, rapidly growing city could be matured in any fiscal year or that future needs could be accurately anticipated in any 12-month period. Any plan devised by any board of engineers would undoubtedly have to be modified with the growth and development of the city. From the parliamentary standpoint the Chair is cognizant of the fact that under the act of 1914 streets have been opened and extended without additional legislation and that the courts have sustained condemnation proceedings under that act. By the use of the word "whenever" and interpreting the purpose of Congress by the scope of the authority granted in 1914 it seems to the Chair that it was the evident intention to make it an authorization permanent in character, and the Chair therefore overrules the point of order.

The Clerk read as follows:

Georgetown Bridge across Potomac River: For miscellaneous supplies and expenses of every kind necessarily incident to the maintenance of the bridge and approaches, \$2,000: *Provided*, That upon its completion the jurisdiction and control of the said bridge and approaches shall be under the Commissioners of the District of Columbia.

Mr. HILL. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Maryland offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HILL: Page 30, line 10, after the word "bridge," insert a comma and the words "which shall hereafter be known as the Francis Scott Key Bridge."

Mr. HILL. Mr. Chairman, the Washington Board of Trade, the National Society of the Daughters of the American Revolution, and various other organizations have asked for the permanent naming of this bridge as a memorial to Francis Scott Key, whose house was at one of the abutments of the bridge. I offered last June a resolution for this purpose.

This proposition was indorsed by the Washington Board of Trade as noted recently in the Star.

The House Joint Resolution 350, changing the name of the new Georgetown Bridge to the Key Bridge, was unanimously indorsed by the bridges committee of the Washington Board of Trade, meeting yesterday afternoon in the board rooms in the Star Building. The committee believes that the Key Bridge would be a more appropriate name for the new structure.

The joint resolution referred to is as follows:

Joint resolution (H. J. Res. 350) naming the new bridge over the Potomac River at Georgetown the Francis Scott Key Bridge.

Whereas the new bridge over the Potomac River at Georgetown abuts the District of Columbia side of the river at or near the site of the home of Francis Scott Key at the time he wrote the national anthem, and because of this is popularly known as the Key Bridge; and

Whereas there is no monument or other memorial to Francis Scott Key in the National Capital: Therefore be it

Resolved, etc., That the official designation of said bridge be, and it is hereby declared to be, the Francis Scott Key Bridge.

And that such designation be appropriately inscribed on each end thereof, the expense of which inscription to be defrayed from existing appropriations made for the construction of said bridge, and the Secretary of War is hereby authorized and directed to see that this joint resolution is carried into effect.

Sec. 2. That this joint resolution shall take effect immediately upon its passage.

The National Society, Daughters of the American Revolution, have taken the same position, as follows:

MAY 16, 1922.

HON. JOHN PHILIP HILL,
United States House of Representatives,
Washington, D. C.

MY DEAR MR. HILL: I have the honor to inform you that the National Society, Daughters of the American Revolution, at their thirty-first continental congress, held April, 1922, adopted a resolution approving the effort to have the name of the new bridge crossing the Potomac River, which starts from the site of the old home of Francis Scott Key, author of the Star-Spangled Banner, changed to Francis Scott Key Bridge.

Very sincerely yours,

RITA A. SAWYER,
Recording Secretary General.

The Maryland State Society, Daughters of the Revolution, passed the following resolutions:

DAUGHTERS OF THE REVOLUTION,
Maryland.

HON. JOHN PHILIP HILL,
Keyser Building, City.

MY DEAR SIR: The Maryland State Society, Daughters of the Revolution, wish to express their hearty approval of the name "Francis Scott Key" for the new bridge at Georgetown.

Hoping you will use your influence to accomplish this, we beg to remain,

Very sincerely yours,

MARYLAND DAUGHTERS OF THE REVOLUTION,
MISS FRANCES STUART,
Corresponding Secretary,
The Boulevard, St. Paul and Thirty-second Streets.

JUNE 17, 1922.

President Harding, on June 14, 1922, at Fort McHenry, Baltimore, said in reference to Francis Scott Key:

Francis Scott Key, though he produced some splendid lines, was not a great poet. He was less, but he was also more, than a great poet. He was possessor of a patriotism which in a supreme moment could make words and meters its creatures and servitors; and so a modest genius was raised in one flaming hour to place among the immortals.

To give ringing voice to such a conviction, to such an inspiration, was one of the greatest services which any man could do for the young Republic. That was the service of Francis Scott Key. It was not in the production of soul-stirring lines, thrilling with martial appeal; it was in the contribution of his great hymn toward creating that sense of national pride and that realization of responsibility for a great adventure in behalf of humanity which became at last the inspiration of Union preserved and of nationalism established.

I think it fair to say that we have come here to-day, not so much to pay tribute to the genius which caught the inspiration of a vital moment and wrote that inspiration into one of the songs of the ages, but rather more to memorialize the patriotic service of the author in his everlasting contribution to the soul uplift and exaltation of his countrymen who live after him.

Finally, the history of the old bridge is contained in the following letter in the Star of November 23, 1922, from the regent of the local chapter of the Daughters of the American Revolution:

[From The Star, Thursday, November 23, 1922.]

D. A. R. PROTESTS NAME PROPOSED FOR NEW BRIDGE.

To the Editor of The Star:

The new bridge spanning the Potomac from the grounds of the old home of Francis Scott Key to the shores of Virginia is about completed. It will soon be dedicated and given a name to stand for all time. Shall the Nation honor King George of England or the American poet-patriot, Francis Scott Key? Unless patriotic citizens voice a demand that the United States Congress can not disregard, the opportunity will be forever lost of naming this bridge in honor of Francis Scott Key. Secretary Weeks has informed us that the power rests in Congress alone. All plans and specifications used in the bridge construction bear the words "Francis Scott Key bridge." Unfortunately, a rider to an appropriation bill presented to Congress and passed by that body gave the name "Georgetown bridge" to the structure. An argument was made from the floor of the Congress to the effect that by so changing the name the memory of George Washington would be honored. This was an unfortunate mistake, for history shows us that the old port of Georgetown was named in honor of King George of England. The Father of His Country was not born until five years after George ascended the throne. Protests from patriotic societies and others crystallized in a resolution offered in the House in the last session of Congress asking that the original name be selected, that of Francis Scott Key, be given the bridge. This resolution has not been acted upon.

Ruth Brewster Chapter, D. A. R., passed, at its meeting Wednesday last, a resolution urging that Congress act favorably at this session upon the resolution to change the name of the new structure to the Francis Scott Key bridge, and copies of this resolution were ordered sent to the President, Secretary of War, and the chairman of the District Committee, House of Representatives.

Georgetown is incorporated in the city of Washington, and is therefore no longer a township; consequently the name Georgetown for the bridge, while perpetuating a sentimental memory of an old town, would convey no definite information in future years as to the location of the bridge. The old Key home has been completely changed, remodeled into a modern store, and is not recognizable as the old colonial home of the poet-patriot. Several years ago an attempt was made to save it—Admiral Dewey, president of the Francis Scott Key Memorial Association, working for this purpose; but the patriotic work failed, and the home was lost to the American people. Here

at the Nation's Capital and at this time occurs the golden opportunity for the Nation to dedicate a memorial of gratitude to the author of our national anthem—a fitting memorial, located practically upon the historic spot which was his home; to which portals he brought his young bride; within whose walls all of his 11 children were born, and where he lived at the time of the writing of "The Star Spangled Banner."

MAUD LIPSCOMB GREENAWALT,
Regent, Ruth Brewster Chapter, D. A. R.

The name of "Georgetown" was given this bridge in the sundry civil appropriation bill of 1920, and it is appropriate that in this bill we give the more fitting name. [Applause.]

Mr. BLANTON. Mr. Chairman, I rise for the purpose of getting some information. I am not opposed to the gentleman's amendment. I notice as to the item for highway bridge across the Potomac River and the Georgetown bridge across the Potomac River that the opposite ends of those bridges are in the State of Virginia. Does the State of Virginia pay any part of the cost of maintenance? It paid none of the cost of construction.

Mr. JOHNSON of Kentucky. If the gentleman will permit me to answer, I will do so by controverting the statement that the far end of the bridge is in Virginia. It has been determined by the Supreme Court of the United States that the line between Maryland and Virginia is at high water mark on the Virginia side of the river. Therefore the bridge in its entirety is in the District of Columbia.

Mr. BLANTON. But the approaches, at least, maintained by Congress, come from the State of Virginia onto the bridge.

Mr. JOHNSON of Kentucky. That depends on what may be called approaches. But there is no provision in this bill for the maintenance of anything except the bridge.

Mr. BLANTON. The State of Virginia is very fortunate in having the services of the distinguished gentleman from Virginia [Mr. MOORE], because elsewhere wherever a river is the dividing line between two States a bridge going across the river is maintained jointly by the two States. It is built by the two States jointly at their expense. Where a stream is the line between two counties in a State, a bridge across that stream is built jointly by the two counties and maintained at joint expense by the two counties. But all of our splendid bridges crossing the Potomac, leading out of the District of Columbia into Virginia, have been paid for by the people of the United States and maintained by the people of the United States. Virginia does not have to pay any part of the expense at all.

Mr. TILSON. Does not the gentleman think that at the time this arrangement was made Virginia must have had some Representative equal in ability to the present very able Representative from that Virginia district [Mr. MOORE]?

Mr. BLANTON. Oh, yes.

Mr. TILSON. And it was so arranged that Virginia would not have to pay for the maintenance of those bridges.

Mr. BLANTON. Yes. But the continuation of the exemption is, I presume, largely because of the activities on the floor of the distinguished gentleman from Virginia [Mr. MOORE] whenever District matters are under consideration.

Mr. JOHNSON of Kentucky. If the gentleman from Texas will further permit, he has just stated that where a river is the dividing line between two States a bridge across the river is constructed and maintained at the expense of the two States. That is not always the case. As I have just said, the high-water mark on the Virginia side is the line between the District of Columbia and Virginia, and so the normal low-water mark of the Ohio River on the Indiana side is the line between Kentucky and Indiana. The jurisdiction of Kentucky extends to the Indiana banks.

Mr. MOORES of Indiana. It extends to low-water mark.

Mr. JOHNSON of Kentucky. We do not use the terms "high" and "low" in the same sense there as here, because there is no tide in the Ohio.

Mr. MOORES of Indiana. The Supreme Court of the United States decided in a case which I argued myself that the boundary line is low-water mark on the Indiana side.

Mr. BLANTON. The Potomac River is a navigable stream.

Mr. JOHNSON of Kentucky. So is the Ohio.

Mr. BLANTON. The Federal law usually applicable to navigable streams is that the dividing line is the center of the stream, but of course in these particular cases, in order that Virginia may not have to pay any part of the cost of maintenance, we have other provisions with regard to the Potomac.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. HILL].

The amendment was agreed to.

The Clerk read as follows:

TREES AND PARKINGS.

For contingent expenses, including laborers, trimmers, nurserymen, repair men, teamsters, hire of carts, wagons, or motor trucks, trees, tree boxes, tree stakes, tree straps, tree labels, planting and care of trees on city and suburban streets, care of trees, tree spaces, maintenance of two motor trucks, and miscellaneous items, \$50,000.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. This item does not include appropriation for the purchase of trees. Does the Government nursery raise all the trees required for planting in the streets of the District of Columbia? And what is the total cost for raising, planting, and taking care of the trees in the highways of the District of Columbia?

Mr. CRAMTON. The Government has a nursery out northeast and raises a great many trees. My assumption is that they raise all the trees that are needed and that there is no purchase of trees.

Mr. CHINDBLOM. The appropriation would be available for the purchase of trees, would it not?

Mr. CRAMTON. I think so.

Mr. WATSON. Under this appropriation?

Mr. CRAMTON. I think so.

Mr. WATSON. It does not thus provide.

Mr. CHINDBLOM. It says "contingent expenses"; among those things included is the word "trees."

Mr. WATSON. But not the purchase of trees, simply the planting of trees.

Mr. CHINDBLOM. Why limit it to anything outside of purchasing?

Mr. WATSON. This clause does not provide for purchasing trees, only for planting and the taking care of them.

Mr. CHINDBLOM. Those words are not in the item.

Mr. WATSON. There is no item here giving power to buy trees.

Mr. CRAMTON. Colonel Sherrill stated before the committee that only a small portion of it is devoted to the setting out of new trees. The care of all of the trees on the streets in the District is upon the city, rather than upon the property owners. They state, however, they expect to plant a few new trees from year to year, and he says they have not enough money to set out the number required to keep up with the loss of trees from decay. They have nurseries, of course.

Mr. WATSON. Is it the purpose to continue planting trees in the streets?

Mr. CRAMTON. Yes; to continue to replace the trees lost through decay.

Mr. WATSON. Are they not taking away the trees in some of the commercial streets?

Mr. CRAMTON. There is only a limited amount of that. There may be circumstances where that is done.

Mr. WATSON. Then it is practical to plant trees and to continue so to do in the streets of Washington?

Mr. CRAMTON. It appears to be, and I think that is one of the beauties of the city.

The Clerk read as follows:

To enable the commissioners to carry out the provisions of existing law governing the collection and disposal of garbage, dead animals, night soil, and miscellaneous refuse and ashes in the District of Columbia (no contract shall be let for the collection of dead animals), including inspection and allowance to inspectors for maintenance of horses and vehicles used in the performance of official duties, not to exceed for each inspector \$20 per month for a horse and vehicle; fencing of public and private property designated by the commissioners as public dumps; and incidental expenses, \$825,000: *Provided*, That any proceeds received from the disposal of city refuse or garbage shall be paid into the Treasury of the United States to the credit of the United States and the District of Columbia in the same proportions as the appropriations for such purposes are paid from the Treasury of the United States and the revenues of the District of Columbia: *Provided further*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, and apartment houses and large boarding houses having a central heating plant.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 33, line 20, after the word "further" strike out the remainder of the paragraph and insert in lieu thereof the following: "That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business, or from apartment houses of four or more apartments in which the owner furnishes heat to tenants."

Mr. CRAMTON. Mr. Chairman, that is merely a redrafting of the proviso carried in the bill. It is drawn after having the advantage of language submitted by the engineer commissioner, and, I think, puts it in more workable form.

Mr. SANDERS of Indiana. It changes the substance of it.

Mr. CRAMTON. Not materially.

Mr. SANDERS of Indiana. What is the change?

Mr. CRAMTON. It is a more workable definition as to the class of buildings that would be exempted.

Mr. SANDERS of Indiana. It says apartment houses.

Mr. CRAMTON. Yes.

Mr. SANDERS of Indiana. You have changed it to designate certain apartment houses and to leave out others.

Mr. CRAMTON. Yes.

Mr. SANDERS of Indiana. What is the reason for that?

Mr. CRAMTON. That is, those apartment houses with four or more apartments, where they get their heat from a central plant, where it is furnished to them by the owners.

Mr. SANDERS of Indiana. And you except them?

Mr. CRAMTON. Yes. They can collect ashes from the small apartments.

Mr. SANDERS of Indiana. But they can not collect them from apartments having more than four apartments?

Mr. CRAMTON. No. The present law is more stringent than this. This is somewhat of a relaxation.

Mr. SANDERS of Indiana. The way it is drawn, it provides that the appropriation shall not be used—

Mr. CRAMTON. If the gentleman desires to know what the current law is, it provides that ashes, and so forth, shall not be collected "from hotels, places of business, apartment houses, and large boarding houses." An apartment may have perhaps two or three apartments in it, and each apartment may have its own heating plant, coal stove, and so forth; but they can not collect ashes from that little place, and it is not really big enough for anyone in it to handle a wagon. The result is that it works a hardship that is not desirable.

Mr. SANDERS of Indiana. And the gentleman's amendment liberalizes that?

Mr. CRAMTON. Yes; and still does not go so far as to take care of large apartment houses. It was suggested that "large" is an uncertain term.

Mr. SANDERS of Indiana. And the word "large" in the bill now would apply only to boarding houses, and apartment houses are cut out altogether?

Mr. CRAMTON. Yes.

Mr. SANDERS of Indiana. You liberalize it by including certain apartment houses.

Mr. CRAMTON. Yes.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will permit, I invite the attention of the gentleman from Michigan to the word "owner" in the amendment. I suggest that that word be stricken out and in its stead some such word as "proprietor" be used.

Mr. CRAMTON. Or lessor?

Mr. JOHNSON of Kentucky. Because it is frequently the case that the owner of the house is not the landlord of the tenants who occupy it.

Mr. CRAMTON. What would the gentleman think of using the word "lessor"?

Mr. JOHNSON of Kentucky. Would it not be better to use the word "landlord"?

Mr. CHINDBLOM. Why not omit all reference to the character of the proprietor or owner of it and simply say "where heat is furnished for a central heating plant"?

Mr. CRAMTON. There are some complications connected with that. Mr. Chairman, I ask unanimous consent to modify the amendment by striking out the word "owner" and inserting in lieu thereof the word "landlord."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Page 33, line 20, after the word "further" strike out the remainder of the paragraph and insert in lieu thereof the following:

"That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels, places of business, or from apartment houses of four or more apartments in which the landlord furnishes heat to tenants."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of a site now occupied by Hoover Playground, located in square 546, containing 65,000 square feet, at 25 cents per square foot, \$17,000.

Mr. BLANTON. Mr. Chairman, I make the point of order against the paragraph as being legislation unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, will the gentleman withhold his point of order for a moment?

Mr. BLANTON. I reserve the point of order.

Mr. CRAMTON. This item proposes the purchase of a site for playground purposes.

Mr. BLANTON. If the gentleman is going to continue to take up all legislative matters and consider them in the Appropriations Committee, we might just as well do away with the District of Columbia Committee entirely. While under the rules the District is permitted to have a District day, the chairman has not claimed it here for months.

Mr. CRAMTON. Well, he has made some expressions he wanted it.

Mr. BLANTON. Expressions do not amount to anything.

Mr. CRAMTON. If the gentleman will permit me, I understand it is the Hoover item to which the gentleman refers. The Hoover item has been used as a playground since 1916 under a lease, and it is now proposed to buy it at a price that seems very reasonable to insure its continuance. Now, as to the point, the item is subject to a point of order, and if the gentleman insists upon the point of order it will go out.

Mr. BLANTON. I want to reserve some little work for the District of Columbia to do.

Mr. CRAMTON. If the gentleman will permit, and he has been very kind to yield to me, let me complete this statement. This is subject to a point of order if the gentleman insists upon it. I hope very much that the point of order will not be insisted upon, because there is an opportunity to buy this land at a reasonable price. It is being used, and we want to continue to use it for the same purpose. Now, as to the matter of this committee encroaching on the prerogatives of the legislative committee, we have not done so except in very few cases. We have been very careful to avoid encroaching upon the prerogatives of the legislative committee. We have only done so where it is closely connected with an expenditure. There are no purely legislative provisions, but we have some appropriations which are not supported by existing law where it was for the purpose of extending work in progress. There is no basis for it, and I can not make an argument as to the parliamentary situation, but, in effect, we have these playgrounds and they are being used, and this is simply a part of that operation which is legitimately before us—

Mr. BLANTON. Not only this item but the next one, and item after item in this bill are legislative matters that should be presided over by the distinguished gentleman from Pennsylvania, who has a reputation of being liberal. He is not hide-bound on this proposition.

Mr. CRAMTON. Let me make a connected statement here. I know there are several items, one went out yesterday, and that was the extension of the existing library system, but this is an extension of the existing playground system and the purchase of land now being used for playground purposes, and which will be used until somebody throws them out bodily, because we do not buy it. Now, there are some school items of which perhaps the same thing can be said. We have not gone beyond that in a purely legislative provision. Yesterday on the floor, the gentleman will remember, a distinguished Member of this House, one of the most active members of this committee, the gentleman from Texas [Mr. BLANTON], from the floor criticized this committee very strongly because we had not gone further and put in certain legislative propositions that are within the jurisdiction of the District of Columbia Committee. There was a question of changing the law as to days of service for firemen and policemen and various other—

Mr. BLANTON. That is just as important as this.

Mr. CRAMTON. That was purely legislation, and this is simply acquiring land we are now using.

Mr. BLANTON. It is all right to make the policemen and firemen work seven days out of seven days.

Mr. CRAMTON. I want to point out to the gentleman that the gentleman from Texas criticized us severely yesterday for not going further and encroaching on the prerogatives of that committee, and we now are criticized because we went as far as we did.

Mr. BLANTON. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is made against the paragraph. The Chair feels he has ample precedent to support the ruling of the Chair, which is that the point of order is well made.

The Clerk read as follows:

For the purchase of a site at Twenty-seventh and O Streets NW., in square 1238 (lot 803), containing 10,000 square feet, at an estimated cost of \$5,000; and for the purchase of lot 804, square 1238, containing 3,840 square feet, at \$3,000; in all, \$8,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that this is legislation on an appropriation bill, unauthorized by law.

Mr. CRAMTON. As to the point of order, Mr. Chairman, I will only express my great regret that the little children of the District are to be endangered as to their use of the play-

grounds. As to the parliamentary situation, I admit it is subject to the point of order.

Mr. BLANTON. The District Committee will take care of them.

Mr. STEPHENS. Will the gentleman yield for a question?

Mr. CRAMTON. I will.

Mr. STEPHENS. Has this been acted upon and recommended to the gentleman's committee by the District of Columbia Legislative Committee?

Mr. BLANTON. They ignore the District Committee and come and appropriate—

Mr. CRAMTON. If the gentleman will permit—

Mr. STEPHENS. I ask for information.

Mr. CRAMTON. In none of these instances where we have put an appropriation in is there any controversy about the policy. There is no one urging that we should not have playgrounds, there is no one urging that we should not have libraries, and so we are trying to carry out what we know is the adopted policy. When it comes to a controversial question, where there is a difference of opinion as to the policies and it lies within the domain of Mr. FOCHT's committee, we keep away from it.

Mr. STEPHENS. But has this committee recommended this particular item?

Mr. CRAMTON. They have not.

Mr. STEPHENS. Would it not be advisable for them to do that in order that the position you take might be secure?

Mr. CRAMTON. I want the children to have the playgrounds, and I repeat that where there is any controversy about it or where the District Committee wants a chance on it we will keep off it. But as to matters on which there is no controversy we think they want us to go ahead and get action.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SANDERS of Indiana. Who is it that asks for this? The CHAIRMAN. The gentleman from Texas made a point of order.

Mr. CRAMTON. Will the gentleman reserve it for a moment?

Mr. BLANTON. If the gentleman will discuss the point of order without going into the merits I will.

Mr. CRAMTON. This came to us from the District Commissioners and from the Budget office.

Mr. SANDERS of Indiana. There does not seem to be any understanding on the part of the people who are asking for this in the District as to where they should go for relief. I think the gentleman from Texas [Mr. BLANTON] is perfectly within his rights in making these points of order or any points of order against legislative matters carried in an appropriation bill, looking at it purely from a legislative standpoint. It seems to me, Mr. Chairman, that when these requests are made to the Committee on Appropriations for matters involving new legislation, matters of great importance to the children who want the playgrounds, in case of playgrounds and other matters of importance to other people in other District affairs, it is the duty of the Committee on Appropriations to inform the people who ask for that relief that their committee has no power to give relief, and it is their duty to suggest that they go to the District Committee for relief. Those people desiring relief ought not to be compelled to wait until the last moment and—

Mr. CRAMTON. Let me suggest this: In this bill there was an item proposed by the Budget, an item to establish a white branch of the Industrial School for Girls. That was a proposition as to which there might be controversy, concerning the need of the institution or the location of it, and so forth. That the Committee on Appropriations did not allow. It was a legislative proposition of a character which we felt we ought not to fool with, and it will be interesting to see how long it will be before there is legislation that will authorize something of that kind.

Mr. SANDERS of Indiana. Mr. Chairman, I ask unanimous consent, pending the reservation of a point of order by the gentleman from Texas [Mr. BLANTON], to proceed for three minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. DENISON. Will my friend from Indiana yield for a moment?

Mr. SANDERS of Indiana. Yes.

Mr. DENISON. I will ask the gentleman from Indiana whether he does not think the situation has grown out of the fact that, notwithstanding each committee is urged to legis-

late, they do not do so even when some one like the gentleman from Texas, who evidently is making a record here by taking things out of bills on points of order, insists on points of order? They know they can go right over to the Senate and get them all put in.

Mr. BLANTON. Then why does not the whole District Committee let the gentleman from Pennsylvania [Mr. FOCHT] go back home? [Laughter.]

Mr. FOCHT. He is going.

Mr. DENISON. They know that these items will be put in over in the Senate, so that this process of knocking out paragraphs on points of order is not accomplishing anything in the end.

Mr. SANDERS of Indiana. I do not know. I think the gentleman who makes these points of order against legislative matters is entirely within his rights and may be ultimately serving a good purpose, although he may not be in the particular case.

Of course, the gentleman in talking while the reservation of the point of order was made did not explain just when these pupils are to be permitted to use the playgrounds. We ought not to take away the playgrounds from the pupils when they have been used since 1916. But when a situation has arisen where they are going to be driven off the playgrounds unless they get legislation, then the people who ask for this relief ought to be sent to the Committee on the District of Columbia, and they ought to be sent to the Committee on the District of Columbia by the Committee on Appropriations.

The gentleman from Michigan [Mr. CRAMTON] says they are very discriminating, and if it is a matter involving controversial legislation they do send such people to the Committee on the District of Columbia. I say, Mr. Chairman, that it is not up to the Committee on Appropriations to determine what is controversial legislation. They have no authority over any legislative matters, and these legislative matters ought to go to the Committee on the District of Columbia; and if those people were urged to go to that committee, and if pressure were brought to bear on that committee, that committee would get action on the floor of the House.

The trouble is we go along here and the Committee on Appropriations determines that they are going to reach out and encroach on another committee's jurisdiction, and then if a gentleman gets on the floor of the House and asserts his rights and makes points of order against legislative provisions he is criticized.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CHINDBLOM. What assurance is there that the Committee on the District of Columbia will bring up these matters in preference to other matters about which there is a hot controversy?

Mr. SANDERS of Indiana. This House under its rules has declared that legislative matters shall be referred to the Committee on the District of Columbia and that the District of Columbia Committee shall act upon them.

Mr. BLANTON. The children are not being run off this property. They will continue to stay on these playgrounds. This is simply a proposition of selling this property to the Government without any legislation whatever.

Mr. SANDERS of Indiana. Then the gentleman does not agree that this is one of the propositions that are not controversial?

Mr. BLANTON. The children are playing on this land now. It ought to be passed upon by the District of Columbia Committee.

Mr. SANDERS of Indiana. The point I make is that the Committee on Appropriations has no right or authority or jurisdiction under the rules of this House to determine when it is going to reach out and take jurisdiction.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to proceed for five minutes, notwithstanding the reservation of the point of order.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FOCHT. Mr. Chairman and gentlemen, in regard to these matters the difficulty arises primarily from the fact that they proceed without proper consideration of the desires of the people of the District of Columbia, that desire being expressed through the various agencies appointed for such purposes. The Board of Education have made various investigations. You say you are going to make appropriations without authorization of law. You do it simply because the Committee on the District of Columbia has not had an opportunity to present these measures on the floor of the House and obtain that authorization.

The bills are there, 125 of them; but they have been forestalled, interfered with, hamstrung, I might say, until we have to come here supplicating before the majesty of this great Committee on Rules, appealing to them to give an opportunity to the people of this town, who do not have representation, who must hang on in this haphazard way to secure legislation. Now, the orderly and proper way to do this thing is to consider these District of Columbia bills that we bring here and put on the calendar. Why, think of it! This great question of increased salaries for school-teachers, we bring it on the floor, and if we pass it the only way they can get the money is under a deficiency bill. The appropriation bill for the District of Columbia will have passed and gone its way, and the only chance we have is to authorize it and then appropriate the money as a deficiency. That is not the orderly way. There should be no controversy here this morning, and this question of playgrounds is not a controversial one. Everybody knows we ought to have playgrounds for the children of the District of Columbia; in fact, must, and are going to have them, but the Committee on the District of Columbia should have a chance to send a subcommittee there to determine the location and desirability, and whether these playgrounds are worth the money that is asked for them, and if they are not to condemn them. But as to the necessity of them there is no controversy. But there will be a controversy and there will be a break somewhere with the manner in which this thing has been conducted. I know the power is with these gentlemen. I can do nothing more than come here and appeal to you and wait until they are through with everything else, until every other chairman is through with all his bills. Yet here is a great city that ought to be the pride of every man's heart, that must walk on a crutch and limp behind the procession until we get through with everything else from Wyoming to Nova Scotia.

Mr. SNELL. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SNELL. The gentleman from Pennsylvania [Mr. FOCHT] made the same senseless tirade against the Rules Committee yesterday, and I did not say anything in reply. I do not know that the Rules Committee has anything to do with keeping him or his committee off the floor. I do know this, however, that on two separate Mondays this year we were looking for something to take up the time of the House and no member of the District of Columbia Committee was here ready to present its business on the floor of the House.

Mr. BLANTON. The gentleman ought not to say that, because one member of the committee has always been here. The chairman of the committee may not have been here.

Mr. SNELL. Was any member of the committee here ready to present the business of the Committee on the District of Columbia?

Mr. BLANTON. Only the chairman does that. I will state that I have been here every Monday, but I have no authority to call up bills from that committee.

Mr. SNELL. I do not yield to the gentleman.

Mr. FOCHT. The gentleman will yield to me, will he not?

Mr. SNELL. When I finish my statement, I say the Rules Committee are not to blame because the Committee on the District of Columbia have not presented their business on the floor of the House. They had two opportunities this session, that I know of, that they did not take advantage of.

Mr. FOCHT. As far as I am concerned as chairman of the committee, there was but one opportunity that we had when I was not here to avail myself of it.

Mr. SNELL. There were two Mondays that we were looking for business, and the gentleman was not here and did not attend to it.

Mr. FOCHT. This is the first time I ever heard anyone connected with the Rules Committee say they were looking for the Committee on the District of Columbia to present any business. We have been here 20 times asking for an opportunity, compared to the one time when I was not here.

Mr. SNELL. Is there any resolution before the Rules Committee at the present time providing for consideration of District of Columbia business?

Mr. FOCHT. No; everybody in the House knows the power of the Committee on Rules. We submit to it. We can do nothing else. We understand the reason.

Mr. BLANTON. I make the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of order against the provision beginning on line 14.

Mr. BLANTON. Against the paragraph.

The CHAIRMAN. Against the paragraph. The Chair sustains the point of order, and in doing so refers to the several precedents in Volume IV of Hinds' Precedents, section 3790, section 3791, and section 3792, and also to many decisions rendered by the Chairmen when presiding over the Committee of the Whole House on the state of the Union, considering the District of Columbia appropriation bill. The Clerk will read.

The Clerk read as follows:

So much of any balance remaining after the purchase of sites for playgrounds authorized by this act as is necessary to clean up, grade, drain, fence in, and place such sites in safe and suitable condition for the purpose intended, may be used for such purposes.

Mr. BLANTON. I make a point of order against that paragraph. Of course that will go out, too, because that is legislation.

The CHAIRMAN. The gentleman makes the point of order against the paragraph beginning with line 20.

Mr. CRAMTON. We might as well let that go out anyway because the other has gone out.

Mr. CHINDBLOM. Will the gentleman reserve his point of order for one minute?

Mr. BLANTON. I reserve it.

Mr. CHINDBLOM. I should like to ask the chairman of the subcommittee whether he knows of any legislation that has been proposed so far by the Committee on the District of Columbia relating to the purchase of sites for these playgrounds? Is there any legislation on that subject on the calendar, reported from the Committee on the District of Columbia?

Mr. CRAMTON. Each year we have been buying playgrounds just in the way that we proposed to buy these playgrounds, and neither the gentleman from Indiana, nor the gentleman from Pennsylvania, nor the gentleman from Texas, any one of them raised any question about it. We started the consideration of this bill with a panning by the gentleman from Texas [Mr. BLANTON] because we did not put all his pet hobbies into the bill, although they were admittedly legislation. Now here are some items that are not hobbies of anybody, that everybody wants, and we simply have passed along what the Budget recommended. My judgment is that you can have two Mondays a month for the Committee on the District of Columbia and you will not get any more playgrounds for the District unless they are carried in an appropriation bill. It is perfect nonsense to say that every time we want to buy \$40 worth of land the Committee on the District of Columbia must go out and see whether it is worth the price or not. That is a ridiculous proposition. What the District of Columbia Committee ought to have done 20 or 30 years ago, before there was any Budget, was to have brought legislation into the House providing for a system of playgrounds, and then let the appropriations be made from time to time as they are necessary for the development of that system of playgrounds.

That is a function of the District of Columbia Committee that for half a century they have neglected. They should provide authorization for a system of playgrounds, and the Committee on Appropriations should not be criticized because, in the absence of any such authorization, it endeavors to take care of a very pressing need to which nobody objects.

Mr. CHINDBLOM. I have looked through the calendar and I do not see a single bill reported by the Committee on the District of Columbia relating to playgrounds now pending before the House.

Mr. JONES of Texas. I would suggest that the District Committee was perhaps too busy trying to pass a law licensing pawnbrokers, permitting them to charge 36 per cent interest, to have time to consider playgrounds for the children.

Mr. BLANTON. But some of them have been rather busy keeping that law from being passed.

Mr. SANDERS of Indiana. The reason the Committee on the District of Columbia does not do that is because the Appropriations Committee is seeking to come in and take it out of their hands.

Mr. BLANTON. And get mad when you try to stop them.

Mr. SANDERS of Indiana. And get mad when you try to stop them, and then go over to the Senate and see that it is put in.

Mr. BLANTON. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

In all, for playgrounds, \$136,032, to be paid wholly out of the revenues of the District of Columbia.

Mr. BLANTON. Mr. Chairman, I suggest that lines 5 and 6, on page 36, should be corrected, in so far as the totals are concerned, to correspond with the bill.

Mr. CRAMTON. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct all totals in the bill to conform to the amendments that have and will be adopted.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the Clerk be authorized to correct all totals in the bill to conform with adopted amendments. Is there objection?

There was no objection.

The Clerk read as follows:

ELECTRICAL DEPARTMENT.

Salaries: Electrical engineer, \$2,750; assistant electrical engineer, \$2,000; inspectors—one \$1,000, four at \$900 each; electrician, \$1,200; two draftsmen, at \$1,000 each; four telegraph operators, at \$1,000 each; repairmen—expert \$1,200, three at \$900 each, one \$840; telephone operators—chief \$900, four at \$840 each, one \$720, ten at \$600 each, one \$540; electrical inspectors—one \$2,000, one \$1,800, one \$1,350, four at \$1,360 each; assistant electrician, \$1,200; clerks—one \$1,400, one \$1,200, two at \$1,125 each, one \$1,050, one \$750; assistant repairman, \$620; laborers—two at \$600 each, two at \$540 each; messenger, \$630; storekeeper, \$875; in all, \$55,655.

Mr. CRAMTON. Mr. Chairman, in line 10, after the word "electrician," I move to strike out "\$1,200" and insert "\$1,560."

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 36, line 10, after the word "electrician," strike out the figures "\$1,200" and insert in lieu thereof the figures "\$1,560."

Mr. CRAMTON. Mr. Chairman, this is to correct an inequality that has happened through accident in the previous drafting of the law. This electrician is in charge of certain work and under him are four inspectors who are drawing in this bill \$1,360. They are drawing more pay than the man who has charge generally of their work. The man who has charge is getting \$1,200 and is doing work of a more specialized character, involving the handling of special and more difficult matters, requiring more thorough and painstaking examination and frequently the working of more exact testing and measuring instruments, and it appealed to the committee that this change should be made.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

Lighting: For purchase, installation, and maintenance of public lamps, lamp-posts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, and for all necessary expenses in connection therewith, including rental of stables and storerooms, livery and extra labor, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia appropriation act for the fiscal year 1912 and with the provisions of the District of Columbia appropriation act for the fiscal year 1913, and other laws applicable thereto, \$450,000.

Mr. SNELL. Mr. Chairman, I move to strike out the last word for the purpose of getting some information. Does this include the street lighting?

Mr. CRAMTON. Yes.

Mr. SNELL. I have inquired several times and have tried to get some information as to under what kind of a contract we are operating in respect to furnishing electricity to the city, and what price is paid for it.

Mr. CRAMTON. The Potomac Electric Power Co. furnishes the electricity.

Mr. SNELL. I notice that for a small part of the supplies you have competitive bids. I wondered if there were any competitive bidders for lighting the streets, and what price is paid in the District of Columbia for the average street lamp.

Mr. FOCHT. The street lamps are gas mostly, and the price paid for electricity is 10 cents per kilowatt hour. It is a price arbitrarily fixed by the Public Utilities Commission. They have allowed 7 cents to the company and are retaining 3 cents pending a decision of certain matters by the Supreme Court.

Mr. SNELL. Then there is no competitive bidding or a chance for it? Is it governed by the Public Utilities Commission?

Mr. FOCHT. I think they fixed the price arbitrarily, somewhat in relation to the charges in other cities.

Mr. SNELL. And what is the price per kilowatt hour?

Mr. FOCHT. Ten cents per kilowatt hour. They are allowing the company only 7 cents. Three cents have been set aside under order of the court until a decision is rendered, and then it will be determined whether or not the company can retain that amount, which is held in escrow, amounting now to more than two and a half million dollars.

Mr. SNELL. The gentleman means that we are paying 7 cents per kilowatt hour for the electricity that the District is using?

Mr. ZIHLMAN. Oh, the gentleman from Pennsylvania is referring to what private consumers pay.

Mr. SNELL. I had reference to the price that the District of Columbia pays.

Mr. FOCHT. A large part of the street lighting is by gas. Mr. SNELL. There must be a very large consumption by the District of electric light.

Mr. CRAMTON. The relative expenditure for gas this year is \$188,500, and for electricity, both incandescent and arc lights, \$227,500, but I have not at hand the information as to what the rates are.

Mr. SNELL. Did the committee take that up at all?

Mr. CRAMTON. No; we did not.

Mr. SNELL. Does not the gentleman think it is a very important matter? That is one of the large expenses of the District, and there is opportunity for some careful work in connection with it. I feel that the time has come when we should know definitely what we are paying and under what kind of a contract we are operating. I do not know that there are competitive bidders.

Mr. CRAMTON. Oh, there is no one in the position to furnish the light except the people who are furnishing it, unless you erect a new plant, and there would not be any economy in that.

Mr. SNELL. I would not be in favor of that, but I feel that is a matter that the committee should go into.

Mr. CRAMTON. Of course the Public Utilities Commission passes upon the rate to be charged to private users, and my judgment would be that the Public Utilities Commission probably have authority to fix all of the rates.

Mr. SNELL. Well, I suggest that when the committee have hearings next year that they get more definite information.

Mr. CRAMTON. I appreciate it, and I will say to the gentleman from New York that he knows it is a little hard to learn everything there is about every item in the bill. Last year, with regard to the Interior Department bill, the gentleman from New York asked a lot of questions I could not answer; so this year in the hearings we took pains to get all of that information for him, and yet we read page after page of those items without a question from the gentleman from New York.

Mr. SNELL. The Chairman informed me that he could answer them, so I saw no need to ask. I really think it is important that we know the prices we are paying.

Mr. CRAMTON. I will get the information and put it in the RECORD, if I may have unanimous consent.

Section 6 of the District of Columbia appropriation act for the fiscal year 1913 prescribed the maximum rates to be paid during that fiscal year for lighting the streets, roads, and so forth, of the District of Columbia. It is my information that the rates prescribed in that act are being paid to-day, wherever applicable. I quote them from that act:

For mantle gas lamps of 60 candlepower, \$18.40 per lamp per annum.

For mantle gas lamps of not less than 120 candlepower, \$27 per lamp per annum.

For street designation lamps, using flat-flame burners, consuming not more than 2½ cubic feet of gas per hour, or 8 candlepower incandescent electric lamps, with posts and lanterns furnished by the District of Columbia, \$10 per lamp per annum.

For 40 candlepower, 50 watt, incandescent electric lamps on overhead wires, \$15 per lamp per annum.

For 40 candlepower, 50 watt, incandescent electric lamps on underground wires, \$19.50 per lamp per annum.

For 60 candlepower, 75 watt, incandescent electric lamps on overhead wires, \$17.50 per lamp per annum.

For 60 candlepower, 75 watt, incandescent electric lamps on underground wires, \$23 per lamp per annum.

For 80 candlepower, 100 watt, incandescent electric lamps on underground wires, \$26 per lamp per annum.

For 100 candlepower, 125 watt, incandescent electric lamps on underground wires, \$27.50 per lamp per annum.

For 150 candlepower, 187 watt, incandescent electric lamps on underground wires, \$36.50 per lamp per annum.

For 200 candlepower, 250 watt, incandescent electric lamps on underground wires, \$46.50 per lamp per annum.

For 4-glower Nernst lamps on underground wires, \$52.50 per lamp per annum.

For 6.6 ampere, 528 watt, direct-current, series-inclosed arc lamps, \$80 per lamp per annum.

For 5 ampere, 550 watt, direct-current, multiple-inclosed arc lamps, \$80 per lamp per annum.

For 4 ampere, 320 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, on overhead wires, \$59 per lamp per annum.

For 4 ampere, 320 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, on underground wires, \$72.50 per lamp per annum.

For 6.6 ampere, 500 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, on overhead wires, \$84 per lamp per annum.

For 6.6 ampere, 500 watt magnetite, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, on underground wires, \$97.50 per lamp per annum.

For flame arc lamps, 500 watt, General Electric type, or other arc lamps of equal illuminating value acceptable to the Commissioners of the District of Columbia, \$150 per lamp per annum.

The Clerk read as follows:

PUBLIC SCHOOLS.

Salaries: Superintendent, \$6,000; 2 assistant superintendents, at \$3,750 each; director of intermediate instruction, 13 supervising principals, supervisor of manual training, and director of primary instruction, 16 in all, at a minimum salary of \$2,400 each; secretary, \$2,000; financial clerk, \$2,000; clerks—1 \$1,600, 2 at \$1,500 each, 2 at \$1,400 each, 3 at \$1,200 each, 4 at \$1,000 each (one of whom to carry out the provisions of the child labor law); 2 stenographers, at \$1,000 each; messenger, \$720; in all, \$73,620.

Mr. BEGG. Mr. Chairman, I offer an amendment; in line 2 strike out "\$6,000" and insert "\$10,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 2, strike out the figures "\$6,000" and insert in lieu thereof the figures "\$10,000."

Mr. CRAMTON. Mr. Chairman, I make the point of order that the amendment is not authorized by existing law.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. BEGG. All I have to say is this, that there is no law that prohibits the change of a salary. There is no law prohibiting the House itself from raising the salary of any official. The fact that a law established a position and fixes the salary does not certainly take away the right of the committee to increase that salary if it sees fit to do so.

Mr. CARTER. The Appropriations Committee?

Mr. BEGG. And I will cite the Chair's attention to the ruling the Chair made the other day with reference to the Department of Agriculture bill when the amendment was identically the same.

Mr. BLANTON. This is a statutory salary.

Mr. BEGG. It does not make any difference if it is.

Mr. SNELL. Does the gentleman maintain that we could increase a statutory salary in the committee by any Member offering an amendment?

Mr. BEGG. I maintain that if we want to spend \$10,000 for the salary of the superintendent of schools, we have the same right to do it as we did the other day under the ruling of the Chair.

Mr. SNELL. But that is not the question I asked.

Mr. BEGG. That is an answer to the question.

The CHAIRMAN. Does the gentleman desire to continue the discussion of the point of order?

Mr. BEGG. The only proposition I make is this, that there is nothing in the law that prohibits our appropriating \$10,000 for the office of superintendent of schools.

Mr. CARTER. It is only under Rule XXI.

Mr. BEGG. Rule XXI does not—

Mr. CARTER. It provides in reference to changing existing law if we have a statutory law.

Mr. BEGG. Rule XXI has been so badly lacerated and mutilated by the decisions of the present occupant of the chair I want to see what he will do this time.

Mr. SNELL. I would like very much for him to get it, for he is a constituent of mine and a very worthy one.

The CHAIRMAN. The Chair thinks the gentleman from New York stated the crux of the matter when he referred to the statutory provision in reference to salaries. The Chair assumes from the remarks of the gentleman in charge of the bill that the law fixes the salary at \$6,000, and, as the amendment proposed an increase of that salary, it therefore proposes a change of existing law, and is contrary to the rule. The Chair sustains the point of order.

Mr. FOCHT. Suppose there is no statutory law provision for \$6,000; there is no statutory law and there has been no statutory law since 1906 and there have been increases since then done in this very way.

The CHAIRMAN. Were there no statutory law the Chair would hold differently. The Clerk will read.

The Clerk read as follows:

Contingent expenses: For contingent and other necessary expenses, including equipment and purchase of all necessary articles and supplies for classes in industrial, commercial, and trade instruction, \$4,500: *Provided*, That no part of the appropriations for night schools shall be available for teaching any person over 21 years of age without payment of tuition.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 45, line 19, after the word "tuition," strike out the period, insert a comma, and add the following: "This proviso shall not apply to those receiving instruction under the Americanization work and instruction of foreigners as hereinafter provided in this act."

Mr. TOWNER. Mr. Chairman, the object of this amendment, which I understand is not objected to by the committee, is to make it really in harmony with the purpose of the Americanization provision which is on the next page. That provision is that "the Americanization work and instruction of foreigners of all ages in both day and night classes, including the principal, who, for 10 months, shall give his full time to this work." And so forth.

If this proviso is adopted without the amendment which I suggest, then all foreigners who desire to take night-school work will have to pay tuition. It is difficult, Mr. Chairman, sometimes to induce these men, whom we are very anxious, indeed, shall take this night-school work, to enter those classes, and the Americanization work is carried on with the expectation that it will be largely carried on by this night-school work because of the fact that these adults are engaged in work during the day and can only attend the night schools. For that reason I think the amendment is perfectly justified and makes the provisions harmonize with each other.

Mr. BLACK. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. BLACK. I want to state at the outset that I have no objection to the provision to which the gentleman refers, but it occurs to me it will be a very poor precedent for Congress to set to charge our own American citizens tuition and to permit the foreigners to come in free. Now, personally I do not favor any proposition of that kind. I think probably this Americanization work is all right and justified, but I suggest that the gentleman move to strike out the whole provision if he is going to do the thing he asks.

Mr. TOWNER. Of course, if this provision is adopted—and the gentleman thinks the whole provision ought to go out, and I agree with him that perhaps it would be better—let me call the attention of the gentleman to the provision over on the other page. There are two things: The Americanization work is one thing, although they are joined together, and the instruction of foreigners of all ages at day and night schools is another. The provision is not an exclusion of Americans from the provisions of the act. It will allow Americans who are trying to Americanize themselves to receive this instruction; for instance, those preparing for becoming intelligent enough to read and write, so as to become good citizens of the United States.

That is all I desire to say, Mr. Chairman, unless some one asks another question.

Mr. BLACK. Mr. Chairman, will the chairman of the subcommittee give heed for a moment? I have not had time or opportunity to read the hearings in the case, but I would like to get some information from the chairman as to the reason for the following proviso on page 45, line 16:

Provided, That no part of the appropriation for night schools shall be available for teaching any person over 21 years of age without payment of tuition.

Now, has there been any abuse of that privilege that would justify the provision in the item?

Mr. CRAMTON. I have not myself made the investigation that would enable me to give the gentleman that definite information which perhaps he would like, but I know it has been alleged that there has been abuse and that schools were being conducted which were patronized very largely by adults, rather than by children. I am not sure whether my colleague from Kentucky [Mr. JOHNSON] is better informed than I on that point. But it was because it was brought to the attention of the committee that there was some abuse that this limitation was put on.

Mr. BLACK. The reason I ask the question is on account of the pending amendment offered by the gentleman from Iowa [Mr. TOWNER], that will permit foreigners who are over 21 years of age to attend these night schools without the payment of tuition. I have no objection to that, but I would not like to go on record as favoring it. It does not appear to me to be a sound thing to do to permit foreigners over 21 years of age to get free attendance at these night schools and close them to our own citizens.

Mr. CRAMTON. The amendment offered by the gentleman from Iowa, as I understand it, proposes a proviso in the section concerning night schools that the limitation shall not operate to interfere with the attendance of foreigners who are adults in the Americanization work that comes later in the bill. I under-

stand that as to night schools, outside of the Americanization courses, there is to be no distinction made, even if the amendment of the gentleman from Iowa is agreed to, between foreigners and our own people.

Mr. BLACK. Will the gentleman from Iowa give us information as to whether his amendment would be restricted to that extent—to the extent that the gentleman from Michigan suggested?

Mr. CRAMTON. I ventured to suggest that the gentleman's amendment would not have any effect as to the night schools except to protect adults in the Americanization courses.

Mr. TOWNER. That is expressly stated in the amendment.

Mr. BLACK. I probably did not hear the language clearly.

Mr. TOWNER. It is made not to apply in so far as the Americanization work is carried on, as hereafter stated in the act.

Mr. BLACK. I have no objection to that.

Mr. LOWREY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Mississippi moves to strike out the last word.

Mr. LOWREY. I am not sure that there is justification for a law anywhere forbidding people over 21 years old to enter the public schools. With all the effort that is being made throughout this country now to remove illiteracy and all the money we are spending for education, I should welcome the repeal of the laws everywhere fixing the public-school age at 21. I should rather see an amendment prevail to strike out that proviso entirely and at least put this Congress on record in regard to that law as to the 21-year limit for public-school age.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. LOWREY. Yes.

Mr. DENISON. Does not the gentleman think that the general rule prevailing all over the country is a wise one, that we limit the public-school benefits to the children of the country, and when they get to be adults and are supposed to be earning money to pay their own way they should be allowed to pay their own way? We ought not to treat grown people as children.

Mr. LOWREY. You know there has been a great deal done to remove illiteracy in the various States in dealing with people beyond 21 years of age.

Mr. DENISON. I believe the way to remove illiteracy at public expense is to confine ourselves to children and not reach beyond the age of 21. Let those others educate themselves at their own expense.

Mr. LOWREY. Is there not the same reason for forbidding foreigners over 21 from entering public schools? I believe we permit them.

Mr. DENISON. We do that for the purpose of giving them an education in order to Americanize them.

Mr. CRAMTON. They are admitted to the Americanization courses, which are especially open to foreigners.

Mr. TILSON. Mr. Chairman, I wish to agree in principle with the remarks of the gentleman from Mississippi [Mr. LOWREY]. I believe that the best possible way to carry on Americanization work is to give these people an education, and it seems to me that right here in the city of Washington we ought to set an example to the rest of the country by furnishing instruction in our night schools to those men and women who have been so unfortunate as not to have had an opportunity before to acquire an education of any sort whatever.

Mr. LOWREY. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Mississippi.

Mr. LOWREY. Would it not be a good principle also of American citizenship in making American citizens to remove the ignorance of those that are American born as well as those who are alien born?

Mr. TILSON. I believe that everybody should be admitted to this privilege. If we can, by furnishing night schools, give these people an opportunity to learn something, thereby removing as far as possible their handicap, I believe that we should do so. Of course, attending the day schools is an entirely different matter. These people are supposed to work and earn their living after they arrive at that age; but if, after they have done their day's work, they are willing to attend an evening school, it seems to me every opportunity for doing so should be given them. I know that in most of our cities in the North and East with which I am acquainted we give liberal opportunity of this kind by furnishing free night schools, and there is no limit of 21 years.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Minnesota.

Mr. NEWTON of Minnesota. Does not the gentleman think that in a democracy there is a peculiar responsibility resting

upon the Government, where we have practically universal suffrage, to provide means for education and place at the disposal of any person who by reason of citizenship or prospective citizenship will have the responsibility of taking part in the affairs of the Government?

Mr. TILSON. I think so; and I think that where we have the buildings and equipment already available, and the only expense involved is the comparatively small expense of hiring teachers, it is our duty to give these people an opportunity to remove to some extent the handicap under which they labor.

Mr. STEPHENS. In the city of Cincinnati they have night schools in the lower grades, in the high schools, and in the university, open to all citizens regardless of age, and the night-school system there gives an opportunity for all to get an education. I do not see why the great city of Washington can not provide the same.

Mr. DENISON. What does the gentleman think of applying the provision of compulsory education to grown people, and making them go to school and get an education?

Mr. TILSON. That is an entirely different matter, to compel anyone; but where a person is willing to go it seems to me that it is as little as we can do to furnish an opportunity for them to do so without regard to age.

The CHAIRMAN. The question is on the amendment.

Mr. BLACK. Let the amendment be reported again.

The amendment was again read.

Mr. TILSON. Mr. Chairman, I offer an amendment to strike out the proviso.

Mr. TOWNER. I make the point of order that that motion is not in order at the present time. I am in favor of it, but perfecting amendments must be disposed of first. I will be glad to vote for the gentleman's proposition when it is in order.

Mr. TILSON. Of course, the gentleman's amendment takes precedence, as perfecting amendments come first.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. TILSON. Mr. Chairman, I now move to strike out the proviso.

The CHAIRMAN. The gentleman from Connecticut moves to strike out the proviso. Does the gentleman desire to be heard on his amendment?

Mr. TILSON. I yield to the gentleman from California [Mr. MACLAFFERTY].

Mr. MACLAFFERTY. Mr. Chairman, I am in favor of this last motion to strike out the proviso. It is a wonderful thing to Americanize the foreigner. It is our duty to do so as far as we can; but there is a vastly wider field than that, and it is to Americanize the Americans. There are hundreds of thousands of Americans who are not Americanized. In the city in which I live you will find people 60 years old attending night schools, and it is almost pitiful to see the eagerness and earnestness with which some of them try either to make up for the opportunities that were squandered by them in the past or the opportunities that they never had. I hope this Congress—because it is the Congress acting now and not the city of Washington—will see to it that this city, which belongs to the whole American Nation, is not left away back at the end of the procession when it comes to the advancement of educational facilities for all the people.

Mr. DENISON. Mr. Chairman, I rise to oppose the amendment to strike out the proviso. It seems to me we are going pretty far in paternalism when at the Government expense we furnish schools free for grown men and women. It is entirely a different idea from the public-school system. We try to educate the youths of the country at the public expense because they are children and ought to be educated at the public expense; but after people become grown men and women, why should you and I and the rest of the public be taxed in order that they may have some instruction free at public expense? It seems to me that is going far along the road to paternalism for us to enter upon a policy of that kind. Every time any proposition comes up here for an expenditure of money in the District of Columbia we are met with this same argument, that we want to make this city a model for the rest of the world. That argument is being worn threadbare. If we ought to furnish this education to men and women 60 years old or less free, suppose they are not able to buy text-books? Are you going to carry out your public-school idea and furnish them text-books free? If you are going to apply the public-school theory, why not apply the whole thing and make their education compulsory? If education is justified, then you are justified in making them go to school. We are getting too sentimental here in these matters, and I think we are going

too far when the United States and the District of Columbia furnish schools at night free to grown men and women.

Mr. MacLAFFERTY. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. MacLAFFERTY. I will simply say this in answer to the gentleman's question, that the reason for doing this is not one of sentiment but for the public safety.

Mr. DENISON. I am not afraid of the old men and women who do not happen to have an education, and I do not think we have to give it to them free in order to be safe. Let them pay for an education if they want it.

Mr. HUSTED. Mr. Chairman, I am very far from being a believer in the soviet form of government. Personally, I think it is a relapse toward barbarism; but I had a very interesting talk a night or two ago with Miss Mason, a prominent woman educator who lives in my district and maintains a large and very successful school at Tarrytown. She has recently returned from abroad, and she told me something about what the Russian commissar of education had done to remove illiteracy in the city of Petrograd. He devised the plan of compelling those who knew how to read and write to teach those who did not know how to read and write. He put that plan in operation, with the result that within a comparatively few weeks, Miss Mason said, every citizen of Petrograd, man, woman, and child above the age of five or six years, was able to read and write. If they can remove illiteracy in the city of Petrograd under the soviet form of government. I think we at least in the enlightened city of Washington can go so far as to admit adults to night schools for the purpose of removing illiteracy without making a charge for their attendance. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, I want to answer the suggestion of my distinguished friend from Illinois [Mr. DENISON] to the effect that when we permit persons over 21 years of age to attend schools which are free schools we are entering upon a field of paternalism. The gentleman seems to forget that in most of our State universities the States furnish the necessary funds for free schools without charge, except sometimes a little library fee or something of that kind, to persons of all ages entering the school. It seems to me that the amendment to strike out the proviso ought by all means to be adopted.

Mr. TOWNER. Mr. Chairman, I want to make some explanation of the status of this matter, so that the committee will not misunderstand it. This provision of the act is for night schools within the District of Columbia, and there is an appropriation made for carrying on night schools which is not limited except as it may be limited by general law. It includes janitors for the night schools, teachers of industrial, commercial, and trade instruction, and teachers and janitors of night schools may also be teachers and janitors of day schools. There is a proviso attached to that stating that no part of the appropriation for night schools shall be available for teaching any person over 21 years of age without payment of tuition. Of course, I would like to see that go out, but there is a great deal of difficulty in getting a matter of that kind out of the bill. I was particularly anxious that it should not interfere with the Americanization work which is very interesting and successfully carried on in the city of Washington. Therefore I limited my amendment to that. This motion, however, will carry not only the proviso but will carry my amendment with it if it be adopted. I am perfectly willing that that shall be done, because if the proviso goes out my amendment goes out, and there is no such restriction, which I favor. I would be very glad, not only in the city of Washington but throughout the United States, to do everything that can be done to see that there is no illiterate person in the United States. I think that the work to wipe out illiteracy in the United States is one of the most necessary and essential things before the American people. As you all know, I have been interested in that work for some time.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. STAFFORD. As I recall, and I want the gentleman to correct me if I am in error, this amendment was debated in committee a year ago, when it was proposed by the commissioners to educate these rather superannuated inhabitants of the District—persons 50, 60, or more years of age. It was not with the thought to interfere with the proper function of the night schools in giving free education to those of educational age; but, as I recall the discussion, there was strong opposition to the attempt to educate very aged people, people much beyond middle age of life.

Mr. TOWNER. I do not remember as to that.

Mr. STAFFORD. I think that is the origin of a proviso of a year ago.

Mr. TOWNER. I have no knowledge regarding that, Mr. Chairman, but I am quite clear upon the general proposition. I favor everything that can be reasonably done in removing illiteracy, whether it is in a child or a middle-aged person, or an octogenarian.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. DENISON. If we are going to turn the public schools over to people of all ages without regard to whether they are grown men and women—

Mr. TOWNER. The night schools only.

Mr. DENISON. Why limit it to night schools?

Mr. TOWNER. The gentleman now asks a question which, it seems to me, he is intelligent enough to answer for himself.

Mr. DENISON. I want the gentleman from Iowa to give me his idea about it.

Mr. TOWNER. It would take more than the time I have to answer completely. But this is the condition: There are a great many adults that through misfortune have never had opportunity of attending any schools, and yet they are desirous of becoming Americanized to the extent of becoming intelligent American citizens. Every facility to enable them to do that is just as binding upon us as it is to educate children.

Mr. DENISON. Why not let them go to the day schools?

Mr. TOWNER. I would not object to that; but the gentleman knows that that is an impracticable proposition. These men are at work during the daytime, and that is the reason that the night schools are established.

Mr. DENISON. If they are not at work, or if they are working at night—and a lot of these men work at night—why not let these men go to school in the daytime?

Mr. BEGG. Mr. Chairman and gentlemen of the committee, I am in entire sympathy with anything that will eliminate all or any portion of the illiteracy that exists in this country, but I want to call attention to what happens when you strike out this proviso. You absolutely open up the doors of the night schools to whom? Not only to the illiterates, but you open them up to the men who are already trained in the fundamentals of education and who are seeking an occupational training. There is no one on the floor of the House who wants to advocate any such doctrine as that. I have had a little experience myself in public-school work, in city superintending. I know who will come to these night schools if you throw the doors open like that. I know that 90 per cent of the time of the teachers will be occupied in training people in vocations they ought to pay for.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. BEGG. I am in entire sympathy with throwing the doors open to a foreigner who can not read and write, but I think we should safeguard it in the name of all that is reasonable.

Mr. TILSON. This has not been a part of the law heretofore. Has the gentleman any figures to show how large a percentage of the people who attended these schools are over the age of 21?

Mr. BEGG. I can not give the figures in this city.

Mr. TILSON. Does the gentleman think there will be any large number?

Mr. BEGG. Suppose there were two young men, the gentleman and myself. We have just finished our elementary education. The gentleman wants to study dentistry, and I want to become an expert accountant. If I can go to night school and get my expert-accountancy education for nothing, while the gentleman can not get his education in dentistry for nothing, yet he is just as much entitled to get it as I am my expert accountancy. Your expert accountancy can be taught in the high schools, and the boys and girls are qualified from the commercial work being given in the night schools and the day schools of the country; but if we are to do that, why not give your dentistry for nothing? If you strike this out, you ought to limit the basis of training to be offered in these night schools to the fundamentals of reading, writing, English, and mathematics.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

The CHAIRMAN. Before the Clerk proceeds with the reading of the bill, the Chairman desires to make a statement. The Chair rendered a decision a few moments ago upon a point of order on an amendment offered by the gentleman from Ohio [Mr. BEGG] which proposed to increase the salary of the superintendent of public schools. The Chair made his ruling based upon what he thought was a statutory provision that the salary was fixed at \$6,000 per year. To fortify his opinion the Chair has sent for the law and finds, somewhat to his surprise, that

the statutory provision is for \$5,000 a year, not \$6,000, which completely alters the proposition.

Does the gentleman from Michigan know of any law which makes the salary \$6,000 as set forth in this bill?

Mr. CRAMTON. Mr. Chairman, it is an office which has a fixed statutory salary. Now, I take it that the Chair is correct that the amount carried in the bill was not identical with the statutory salary, but it is an office that has a statutory limitation fixed. The gentleman from Ohio proposes to go \$4,000 beyond the bill and \$5,000 beyond the limitation.

Mr. BEGG. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BEGG. Does the gentleman contend that the \$6,000 was in order?

Mr. BLANTON. No; it was not.

Mr. CRAMTON. No; it was not. It would have been subject to the point of order.

Mr. BEGG. The very fact—

The CHAIRMAN. If the gentleman will permit, the Chair will state his position. The Chair wants to be entirely fair in his ruling. The Chair made his ruling based upon what he thought was a statutory provision, namely, a salary of \$6,000. The amount put in the bill was \$1,000 above the law, and it would seem to the Chair that that provision of the bill would have been subject to a point of order if it had been made.

Mr. BLANTON. But nobody made it.

The CHAIRMAN. If the gentleman will kindly permit the Chair to proceed. It seems to the Chair that that provision of the bill was clearly subject to a point of order if it had been made, but it was not made. In accordance with the procedure, when any provision which is subject to a point of order is allowed to remain, then any germane amendment is in order, which, standing by itself, would have violated the rule. Therefore, if the Chair's position is correct, the amendment of the gentleman from Ohio would have been in order and should not have been ruled out a moment ago, as no point of order was made against the provision in the text of the bill.

Mr. DOWELL. A point of order should have been sustained against the original paragraph at \$6,000, but it was not made, and when that was passed that became the statutory amount.

Mr. BLANTON. For this year?

Mr. DOWELL. For this year; and the amendment suggested by the gentleman from Ohio raised a distinct question, and it was subject to the point of order.

Mr. BEGG. Will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. BEGG. How could that become a statutory amount until this Congress had approved of it?

Mr. DOWELL. Because it was approved when it was passed and not subject to the point of order so far as the question of order was concerned.

Mr. CRAMTON. I take it that the Chair has stated the position—

Mr. DOWELL. Now, I do not want—

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. DOWELL. I will yield, as the gentleman from Michigan has taken the floor from me.

Mr. CRAMTON. I thought the gentleman from Iowa had finished. The committee does not want any Member to be cut off from his rights; and while I am opposed to the amendment of the gentleman from Ohio, I ask unanimous consent that we may return to the paragraph in question in order that a vote may be had upon the gentleman's amendment, and for no other purpose.

Mr. BEGG. The gentleman need not do that as far as I am concerned.

Mr. DOWELL. The question of order is an important matter here; and I would have to object to going back, because I am very confident that the amendment the gentleman from Ohio offered is subject to a point of order. I do not believe it would be in order if we returned, and therefore I would respectfully object to returning to the paragraph.

Mr. BLANTON. Regular order!

Mr. CRAMTON. Mr. Chairman, the gentleman from Ohio stated it is agreeable to him to continue the bill without returning, and therefore I withdraw the request.

The CHAIRMAN. The Chair, of course, is pleased that the matter has terminated as it has, and the Chair does not criticize the gentleman from Michigan or intimate that in any manner whatsoever he intended to deceive the Chair in regard to the statute; but the Chair wants, in all fairness to himself, to state that he was not fully informed at the time and in error ruled out of order the amendment of the gentleman from Ohio, which, in the light of the law and the procedure, the Chair feels was a proper amendment.

Mr. CRAMTON. As a matter of fact, the point of order made by the gentleman from Michigan was based upon the impression that there was a statutory salary, and it later developed the statutory salary was even less than carried in the bill.

Mr. DOWELL. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. I do not understand the Chair is now attempting to base a parliamentary ruling upon the point of order proposed some time ago, and it is that now before the Chair?

The CHAIRMAN. The Chair will state that if he had possessed the knowledge he now has, he would have held the amendment in order, and would have felt that the committee should have returned to the paragraph to consider the amendment.

Mr. DOWELL. Fortunately for the House the Chair has not the opportunity.

Mr. SANDERS of Indiana. The Chair merely stated it was a statutory salary which could not be raised in the amount, so the ruling was correct from the facts upon which the Chair made the statement.

The Clerk read as follows:

THE DEAF, DUMB, AND BLIND.

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf from the District of Columbia, under section 4864 of the Revised Statutes, and as provided for in the act approved March 1, 1901, and under a contract to be entered into with the said institution by the commissioners, \$20,250.

Mr. WATSON. Mr. Chairman, I move to strike out the last word. I am not familiar with the statute mentioned here, but it seems to me \$20,000 is a very large appropriation merely to instruct the deaf and dumb from the District of Columbia, unless there are quite a number there. Has the chairman that at hand?

Mr. CRAMTON. This is an appropriation to pay their expenses.

Mr. WATSON. It is only an instruction.

Mr. CRAMTON. Maintenance and instruction.

Mr. WATSON. Not maintenance, merely instruction.

Mr. CRAMTON. Well, I think they are maintained in the institution. In any event—

Mr. WATSON. It does not state here, but simply says instruction.

Mr. CRAMTON. There may be both classes. This institution happens to be maintained in the District, and there is a per capita charge, so much per capita for each child in the institution.

Mr. WATSON. Are colored people admitted?

Mr. CRAMTON. I think not.

Mr. FITZGERALD. That is in the next paragraph.

Mr. WATSON. I did not know whether this paragraph carried colored or not. Are the deaf and dumb children of foreigners also permitted to enter this institution under the statute?

Mr. CRAMTON. I suppose if they are residents of the District of Columbia they are. The gentleman means those not citizens of the United States but residents of the District of Columbia?

Mr. WATSON. Yes.

Mr. CRAMTON. I think they would be admitted. I will say that the law is that "hereafter all deaf-mutes of teachable age of good mental capacity and properly belonging to the District of Columbia shall be received and instructed in such institution."

Mr. WATSON. But there is no maintenance mentioned in that statute?

Mr. CRAMTON. They are received. That is an institution, I will say to the gentleman, that the Federal Government maintains here, and it is a college for deaf-mutes. There are schools for the deaf and dumb throughout the country, but this is a college, and from various parts of the country children can be brought into that institution, and this provides for the instruction of those from the District. I assume that the maintenance is also provided for.

Mr. WATSON. Then this appropriation is movable? It depends on the number of students?

Mr. CRAMTON. Yes. There is a per capita charge, and this is anticipated to be sufficient to take care of the number.

Mr. WATSON. What is the per capita cost?

Mr. CRAMTON. The per capita cost is \$500 a year.

Mr. WATSON. Is there any difference in the case of deaf-mutes in the next paragraph and those in the other?

Mr. CRAMTON. One is white and the other is colored. I presume the sections were drawn at different times by different people.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For instruction of blind children of the District of Columbia, in Maryland, or some other State, under a contract to be entered into by the commissioners, \$10,000: *Provided*, That all expenditures under this appropriation shall be made under the supervision of the board of education.

Mr. DENISON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. DENISON. Mr. Chairman, I would like to ask the chairman of the subcommittee to explain what that provision means, for the instruction of blind children in other States. Does it mean those from the District of Columbia in other States?

Mr. CRAMTON. No. We have no institution for the instruction of blind children in the District of Columbia, and this permits the blind children in the District of Columbia, both white and colored, to be taken to some institution outside for such instruction. The present contract is with the Maryland Institution for the Blind, and we are maintaining there 17 for that purpose.

While I am on my feet, if the gentleman does not mind, I will state that as to the preceding item, in which the gentleman from Pennsylvania [Mr. WATSON] will be interested, there are 8 deaf-mutes cared for at that same Maryland Institution for the Blind, and in the Columbia Institution for the Deaf there are 44 whites.

Mr. DENISON. Is there no institution for the blind in the District of Columbia?

Mr. CRAMTON. There is not.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

COMMUNITY CENTER DEPARTMENT.

For salaries of directors, supervisors, teachers, clerks, and other employees for civic, educational, recreational, and social activities under the direction of the Board of Education; for payment of janitor service; for equipment and supplies; for lighting fixtures; for maintenance of automobiles (employees of the day schools may also be employees of the community center department); in all, \$35,000, to be paid wholly out of the revenues of the District of Columbia: *Provided*, That not more than 60 per cent of this sum shall be expended for salaries of directors, supervisors, teachers, clerks, and janitors.

Mr. BLANTON. Mr. Chairman, I reserve a point of order in order to get some information.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the paragraph.

Mr. BLANTON. I would like to ask the gentleman from Kentucky [Mr. JOHNSON] a question with regard to the complaints that are being heard now with reference to this enterprise. I do not know whether his committee or other members of the committee have any knowledge of it, but I have heard that entertainments are provided for and advertised and when the adults and children go there they are either charged an admission fee or a collection is taken up to which they are supposed to make contributions; and they are placed in bad standing if they do not contribute. And then I have heard that after the collection is over there is a fight between some officials as to which one shall take charge of the money. Has the gentleman any knowledge of that?

Mr. JOHNSON of Kentucky. I will say to the gentleman that I have no knowledge of what he has just stated, neither has any testimony of that character been produced before the committee.

Mr. BLANTON. Has the gentleman heard of any such thing?

Mr. JOHNSON of Kentucky. Yes; I have heard of it.

Mr. BLANTON. The committee did not investigate it to find out how this \$35,000 was being spent?

Mr. JOHNSON of Kentucky. The gentleman can refer to the hearings. The Director of this Community Center Department appeared before the committee and made a statement, and it was the only testimony offered.

Mr. BLANTON. Did this paragraph meet with the entire approval of the gentleman from Kentucky?

Mr. JOHNSON of Kentucky. As a member of the subcommittee I did approve it.

Mr. BLANTON. May I ask the chairman of the subcommittee a question? I have heard many complaints that contracts are made by the year for music with certain parties, and—

Mr. CRAMTON. May I ask the gentleman whether he has heard the complaints, or read them?

Mr. BLANTON. I have heard them. I have not read them, but I have heard them; and I will say that a very distinguished Member of this Congress brought some of the complaints to

my attention this morning. If it had not been from such an authentic source as that I would probably not have paid any attention to it. But if we are providing \$35,000 for an entertainment fund for the school children and their parents in the District of Columbia, they ought to get the benefit of that money absolutely free, without any admission charges and without any collection being taken up.

Mr. MACLAFFERTY. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. MACLAFFERTY. I would suggest that if it were not for this collection you would have to put up more than \$35,000.

Mr. BLANTON. Well, I can imagine how a child, or its mother or father, would feel as a recipient of an entertainment when the collection was taken up and others were contributing, and they were not in a position financially to make a contribution. I can imagine how they would feel and of the kind of treatment that would be accorded them. It is not right. In a public matter of this kind there ought to be no charge or collection taken up. There ought not to be any admission charge. It ought to be for the ones who are not able to pay as well as for the ones who are able to pay the admission charge.

Mr. CRAMTON. I take it the gentleman wishes to get an answer to his question.

Mr. BLANTON. Yes. I should like to get some information. The matter is subject to a point of order. I do not want to make a point of order against it if the people really are getting the benefit of this \$35,000. But if just a certain class of them are getting the benefit, then it ought to go out of this bill on a point of order.

Mr. CRAMTON. Two or three years ago while we were considering one of these bills I made quite an investigation of the subject of these community centers and visited some of them and went into the matter in the hearings at length. The gentleman will find a very full statement of it in the hearings on the District bill about two years ago. My impression then gained was such that we did not need to go into it very extensively this year. The report of the Board of Education on pages 38 and 39 this year carries the rule for the conduct of these community centers, approved by the Board of Education January 10, 1922, which I will be very glad to furnish to the gentleman.

Mr. BLANTON. I have a copy of that.

Mr. CRAMTON. I will only call the gentleman's attention to the provision on page 39 that "admission fees and club dues and donations to cover expenses not met through public appropriations may be authorized by the general director. The community or executive secretary under the direction of the general director shall be responsible for the supervision and control of receipts and expenditures of the private funds of the community center. The general director shall specify a uniform method of records and accounting for all funds." So that there is an authorization under certain conditions for making charges.

In connection with that I only want to submit this to the gentleman for his consideration. I was rather actively opposed to this appropriation at that time, and I think, perhaps, I am as much responsible as anyone for its never having gone beyond \$35,000. Previous to that time it had been doubling up about every year, but for the past two or three years it has been held at this amount. There is back of this community-center work the idea that we have a large investment in public buildings and that the community in the neighborhood of the buildings should have the use of them. Now, in getting the fullest use some of the activities that are carried on are free of any expense to those who attend, but there are some other things that the community wants to put on. Instead of having all the expense of it carried in this appropriation, which would not be enough to permit of all the desired activities, the community says: "Well, we will take care of some of this ourselves, and we will charge an admission fee that will cover the expense of these gatherings, and those who go and get the benefits of them can pay that fee." The gentleman can understand that there might be abuses sometimes, but I do not think the principle is objectionable.

Mr. BLANTON. This matter having passed the close scrutiny of the gentleman from Kentucky [Mr. JOHNSON] as well as the chairman [Mr. CRAMTON], I will withdraw the reservation.

Mr. Sisson. I desire to offer an amendment to the paragraph to strike out the figures "60" in line 7 and insert "70."

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Sisson: Page 47, line 7, strike out the figures "60" and insert in lieu thereof "70."

Mr. Sisson. Mr. Chairman, my reason for offering this amendment has been explained to the members of the subcommittee having charge of this bill, and they have no objection to the change. The most of the money carried in this item is paid in salaries. There has been considerable embarrassment in paying the salaries necessary properly to supervise these buildings. If an entertainment is given in one of the school buildings it is proper that somebody should be there to see that it is conducted in an orderly and proper manner, and in all the cities of any size throughout the United States having similar activities I think that is done. I believe there will be better supervision if we can have more money spent in salaries. The other expenses do not amount to very much.

Mr. Cramton. Mr. Chairman, I will only say that this limitation was put in at the time we were trying to put the lid on this proposition.

Mr. Sisson. To put the brakes on.

Mr. Cramton. Yes. In 1918 they spent \$5,000, in 1919 \$21,000, in 1920 \$25,000, in 1921 \$35,000. That was when we commenced to give some attention to this item, and it seemed that everybody in a community who wanted to turn a hand toward this sort of thing wanted to be paid liberally for it. So we wanted to put a stop to that and we inserted the limitation. I want to say that it is very possible that the limitation now in the section is too rigid. So I have yielded to my splendid friend from Mississippi [Mr. Sisson] to permit this relaxation; but it is not with the idea that they will hotfoot over to the Senate to get a further relaxation there.

Mr. Sisson. I agree very heartily with the gentleman in that. There ought to be a limitation, because unless it is put on by Congress there is no limit to the amount that might be expended in this sort of work.

The Chairman. The question is on the amendment offered by the gentleman from Mississippi [Mr. Sisson].

The amendment was agreed to.

Mr. Kelly of Pennsylvania. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the subcommittee regarding the matter as it now stands. With the amendment of the gentleman from Mississippi and the original phrasing it makes it mandatory that 30 per cent of this sum be expended for equipment, and so forth. Now what is included in that term "equipment"?

Mr. Cramton. Supplies and equipment.

Mr. Kelly of Pennsylvania. In one of the schools it might be advisable to expend some of this money for what might be known as a permanent improvement to the school; for example, leveling the floor of the auditorium for the use of the school and the community center. The Comptroller General has ruled that that could not be done. Under his ruling it must be only temporary equipment. I think he stretched the interpretation by ruling that such an improvement could not be made in case the money were available. What does the gentleman think about it?

Mr. Cramton. The Comptroller General is the authority to decide that, but I can see a justification for his decision. Schools and their repairs are cared for in certain items in this bill. Now, here is an item to carry on a special work, not to build or repair schoolhouses, not to attach to them permanent equipment, but to carry on work of a temporary character. I can see the justification for his ruling that out of this appropriation money should not be taken for school repairs.

Mr. Kelly of Pennsylvania. I should think it would be much better if the ruling were exactly the other way, that this equipment should have some permanent value to the school. He might well make such a ruling as that but I can not understand his ruling for temporary improvements only.

Mr. Cramton. As a matter of fact under the present situation they will not have available a very large amount of money for school repairs. I do not think it will prevent their buying school equipment, perhaps some athletic equipment or some supplies that are practically of permanent use to the school.

I do not think those should be eliminated, and so much is taken up with salaries that I do not think they would have much available for the things the gentleman suggests. As a matter of fact, I indorse the idea that the community service should not have the privilege, and I do not think the board of education ought to let them rebuild our schoolhouses for some such temporary purpose. They had a program outlined in this community service matter two or three years ago involving two or three hundred thousand dollars for the rebuilding of schoolhouses to accommodate this community center work. I do not think that is necessary.

Mr. Kelly of Pennsylvania. The question I brought up was a specific one, and I think the Comptroller General has taken a position which is not justified by the phrasing of the law, although very little rebuilding could be done on the entire amount involved, of course. I am in favor of this community center program. I believe it is a splendid thing to give the adults of the community a chance to get together in their own building. Where there is an opportunity, it seems to me an expenditure might well be made for the adapting of an auditorium to community uses where it does not injure but rather improves it for school purposes.

The Clerk read as follows:

For the maintenance of free dental clinics in the public schools: Eight dental operators, at \$700 each; 4 dental prophylactic operators, at \$900 each; equipment and supplies, \$1,000; in all, \$10,200.

Mr. Williamson. Mr. Chairman, I move to strike out the last word. My attention has been called to the appropriation provided for in this paragraph, and it has been asserted that it is not doing the children of the public schools any particular good, for the reason that no provision is made for the examination of the children's teeth or for taking care of them in any way. I should like information from the committee just as to what is being done in the way of providing free clinics and free treatment for the children in the way of caring for their teeth. The information that I have obtained may not be correct, but I know there has been considerable complaint made.

Mr. Cramton. Mr. Chairman, I can only say to the gentleman that I have not attended the clinics or made any personal investigations, but while this item is not a large amount and perhaps is not enough to do everything that should be done along this line, still, on the other hand, you will find some who urge that nothing should be expended by the Government upon this.

The expenditure for that includes a small amount of equipment and replacement, it is for the salaries of dental operators mentioned in this section, and I suppose these dental operators have their offices in some one or more of the buildings, and the children go there for that attention, or they may go to the schoolrooms and consult the children there; that is, make the preliminary examinations.

Mr. Williamson. In some States dentists are provided who visit the schools and actually examine the teeth of the children in attendance. I am wondering whether anything of that kind takes place in the city of Washington, or whether these dentists provided for simply sit in their down-town offices and expect the children to come to them.

Mr. Cramton. Oh, no. I have the impression, although I do not speak with certainty, that they go to the rooms and make a preliminary examination at any rate, and that they have their quarters at some one or more of the buildings, where the children can go and have attention.

Mr. Williamson. I wanted to get at the facts for my own information, as well as for others who are interested.

The Clerk read as follows:

For furniture, including pianos and window shades, for additions to buildings, equipment for kindergartens, and tools and furnishings for manual training, cooking, and sewing schools, as follows: Eight-room school at Ingleside, \$5,156; eight-room addition to the Lovejoy School, \$5,156; eight-room addition to the Garrison School, \$5,156; new Chain Bridge Road School (two rooms), \$1,514; three kindergartens, \$3,000; two sewing schools, \$1,200; two housekeeping and cooking schools, \$3,000; two cooking schools, \$2,000; two manual-training shops, \$3,000; in all, \$29,182.

Mr. Johnson of Kentucky. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information upon something that has escaped my mind on several occasions before. I am sorry that I have overlooked it until this time. In the item just read there is an appropriation of \$1,514 for furniture in the new Chain Bridge School. Am I correct in the understanding that that school will not be ready for a couple of years yet?

Mr. Cramton. The gentleman is correct in his recollection that when the school authorities were before us, the municipal architect, the superintendent of schools, and the commissioners, it developed that the expectation at that time was that that building, authorized by the act of June, 1922, would not be available for school use until September, 1924.

Mr. Johnson of Kentucky. 1924 or 1925?

Mr. Cramton. 1924. That would be two years and three months after the law became effective. It developed in that discussion we had in the hearings, on that general subject, that there were two schools, I think junior high schools, that the officers at that time expected would not be ready for use until two weeks after the school opens in September, 1923. The contract was not to be let until January, but a few days later I noted by the press that the contracts for those two schools, instead of being deferred until January, were let about

the 10th or 12th of December, so that that will make possible, we hope, the opening of those two schools when school opens with the other schools in the fall of 1923. If the discussion which we had in the committee will have the same effect as to the Chain Bridge School, it seems that that will be ready for opening in the fall of 1923. There is no reason why it should not.

The Clerk read as follows:

The children of officers and men of the United States Army and Navy shall be admitted to the public schools without payment of tuition.

Mr. REED of West Virginia. Mr. Chairman, I move to strike out the last word. I desire some information about a provision which has been passed, for maintaining dental clinics. Is there any provision anywhere for maintaining eye clinics for the children of the District?

Mr. CRAMTON. There is not.

Mr. REED of West Virginia. Is there not some agency of the District of Columbia to look after defective vision in the children?

Mr. CRAMTON. The only thing that there could be would be under the chief medical and sanitary inspector, who makes a medical inspection of these conditions in the public schools, and with him are certain graduate nurses, but outside of any attention that the medical inspection would give, there is no eye clinic.

Mr. REED of West Virginia. Is not that being recognized as essential in most of the up-to-date schools of this country now?

Mr. CRAMTON. The gentleman probably is a better authority on that than I am.

Mr. DENISON. Mr. Chairman, I would like to ask the chairman of the subcommittee a question. I notice on page 50 that we made quite an appropriation for textbooks and school supplies for the use of pupils of the first eight grades. In view of the amendment that was adopted by the committee a while ago in which we open up the schools, the night schools particularly, to pupils of all ages and all grades, why limit these free textbooks to pupils of the first eight grades? Why not let the old people get the benefit of these books as well as the young? Does not the chairman think that ought to be amended in conformity with the idea prevailing in the amendment adopted a few moments ago?

Mr. CRAMTON. I do not think that that amendment stipulated the grades that must be attended by these adults. The language of the bill is such that any pupil in the first eight grades, regardless of age, would have the advantage of this. The minors who are in the high schools do not get free textbooks.

Mr. DENISON. Why not?

Mr. CRAMTON. That has not been the practice. The furnishing of free textbooks has only been for the first eight grades. For the first eight grades I assume that they are furnished regardless of the age of the pupil.

Mr. DENISON. There would not be very many of those old people who go to school at night who would be in the first eight grades. Most of them would be over that, it seems to me.

Mr. CRAMTON. Well, it is so limited—

Mr. DENISON. Is there any similar provision in the night schools?

Mr. CRAMTON. The night school provision is cared for independently. It has a contingent fund including equipment and purchase of all necessary articles, supplies, and so forth, for classes.

Mr. DENISON. Does that include textbooks?

Mr. CRAMTON. It may in some cases; I am not advised, but I will say this, that the item in question does not carry anything for textbooks for night schools. Everything the night schools get comes out of their appropriation.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

BUILDINGS AND GROUNDS.

Continuing the construction of an addition to the Armstrong Manual Training School, \$200,000.

Mr. BLANTON. Mr. Chairman, I reserve the point of order. I want to say, if I may be permitted to do so, that the gentleman from New York [Mr. SNELL], who is almost in charge of the great Rules Committee, is usually accurate in all his statements. But when he insisted that the District Committee had had two days and had not called up any bills here on the floor and there was no Member who had made any attempt to call them up, he ought to have gone further and stated that there was but one member of the committee authorized to call up any of those bills, and that was the chairman. No other mem-

ber of the committee can call up a bill from the District Committee except the chairman. He is the only one authorized.

Mr. SNELL. When it was called to my attention, I made the correction.

Mr. BLANTON. I wanted to be sure in regard to the correction. He ought to have been fair to the chairman and to the committee.

Mr. JOHNSON of Kentucky. If the gentleman will permit, is not the gentleman mistaken in his assertion that only the chairman can call up a bill? Whenever the Committee on the District of Columbia, for instance, has authorized any Member to report a bill, can not he call it up?

Mr. BLANTON. Certainly; but no Member was thus authorized. I was going to state, in every instance where a bill has been reported out by the District of Columbia Committee, the chairman only is the one who was authorized to call it up; and it was not fair to the chairman [Mr. FOCHT], who has been in the hospital for some time. As a matter of fact, the District Committee has had no day. The gentleman from New York stated that the District Committee had two District days, but they have not had any. The two days these bills could have been called up were on unanimous consent day each time, and not on District day. Those bills appeared on the Unanimous Consent Calendar, and upon objection were taken off, one after another, and each time I would get up and ask that they be permitted to retain their places on the Unanimous Consent Calendar, and Member after Member would object, and so they went off the Unanimous Consent Calendar. The gentleman ought to have been fair.

Mr. SNELL. The gentleman is getting down to facts. My statement was we were looking to the chairman of the District Committee to present some bills on two different Mondays I knew about. I did not say—

Mr. BLANTON. If the gentleman will look up the record—

Mr. SNELL. There is no record—

Mr. BLANTON. There is a record. When the gentleman from Pennsylvania was turned down by the steering committee and told he could not have a day, I got up here and stated to the Speaker that I wanted to know whether there was a District day and whether the District Committee could come in and claim it, and the Speaker said they could not unless the Chair saw fit to recognize the chairman of the committee.

Mr. SNELL. I do not speak for the steering committee, as I am not a member; I was speaking individually.

Mr. BLANTON. I was speaking of one of the most powerful Members of this House who is going to be chairman of the great Committee on Rules. Mr. Chairman, I made these observations at the beginning of these new construction projects, because there are a number of legislative propositions in this bill that ought to come out on points of order, not because they may not be meritorious, but because they are in bills now pending before the legislative Committee of the District of Columbia, many of which are reported and others under investigation, and unless we are going to disband this District Committee that legislation ought to be considered by the District Committee. I offer this in explanation of the points of order that I am going to make against these new provisions. I do not know whether the Chair is going to sustain me or not, but I know they are matters of new legislation, uninvestigated, that ought to come out of this bill.

I make the point of order against the paragraph containing the \$200,000, same being new construction and legislation unauthorized. I make the point of order that it is legislation on an appropriation bill, unauthorized by law; that it is for new construction unauthorized by law, and regardless of the verbiage of the paragraph seeking to make it a continuing addition, I submit to the Chair it is nothing in the world but new construction entirely and it is subject to the point of order.

Mr. CRAMTON. Mr. Chairman, the particular item, I take it, which the gentleman makes the point of order against—

Mr. BLANTON. Is the \$200,000 item.

Mr. CRAMTON. Is for continuing the construction of an addition to the Armstrong Manual Training School.

Mr. BLANTON. Yes; it is to build a new school building.

Mr. CRAMTON. I will say that in the District of Columbia appropriation act for the current year there is this language which I will read to the Chair:

For beginning the erection of an addition to the Armstrong Manual Training School and alterations thereto, to include an assembly hall, additional classrooms, shops, and laboratories, within a limit of cost of \$500,000.

Mr. BLANTON. That is what act?

Mr. CRAMTON. That is the current appropriation act for 1923, the District of Columbia appropriation act.

Mr. BLANTON. That is the appropriation act?

Mr. CRAMTON. Yes; the appropriation act. I will complete the reading:

Within the limit of cost of \$500,000, of which there is hereby appropriated \$100,000, and the commissioners are authorized to enter into a contract not to exceed \$500,000.

There is a work, then, in progress for this school, within a total limit of cost of \$500,000, of which \$100,000 was appropriated in the 1923 act, and this present bill proposes to appropriate \$200,000 more. It is therefore, Mr. Chairman, an appropriation to continue a work in progress, and is within the limit of cost fixed for that project. Clearly it is not subject to a point of order.

The CHAIRMAN. The Chair feels very clear in regard to this point. He looked it up before the point was raised and after it was raised. There are precedents for it, and the Chair overrules the point of order. Precedents are found for it in Hinds' Precedents, volume 5. The Clerk will read.

The Clerk read as follows:

For beginning the remodeling of and the construction of an addition to the Western High School, to provide a new assembly hall, a gymnasium for boys, a gymnasium for girls, and additional classrooms, \$100,000, and the commissioners are hereby authorized to enter into a contract or contracts for said remodeling and extension at a cost not to exceed \$550,000.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the words in line 2, "or contracts."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 52, line 2, after the word "contract," strike out "or contracts."

Mr. JOHNSON of Kentucky. Mr. Chairman, it was the desire and intention of the committee to strike out those words wherever they appeared in the bill which came to the Committee on Appropriations, for the reason that it had been deemed wise, and it appears in this bill that a contract for any one of these schoolhouses shall be let in one contract in its entirety. The necessity of that limitation was brought about by the way the Eastern High School was managed. It is not worth while to rehash that now, because it has been gone over many times here, and the House is familiar with the facts. But if those two words are left in, then they will be in conflict with the limitation which appears in another place in this bill, and beyond all sort of question those two words ought to go out.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CRAMTON] desire to be heard on the amendment?

Mr. CRAMTON. No.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the purchase of a site on which to locate a 16-room building between Georgia Avenue and Sixteenth Street NW., north of Park Road, \$60,000.

Mr. BLANTON. Mr. Chairman, I make the point of order on that paragraph that it is legislation unauthorized on an appropriation bill.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard on the point of order made by the gentleman from Texas on the item beginning on line 5?

Mr. CRAMTON. Well, Mr. Chairman, I will ask the gentleman to reserve his point of order for a moment.

Mr. BLANTON. The gentleman got me to do that a little while ago in order to give me a spanking. [Laughter.]

Mr. CRAMTON. If I did a good job, I will not repeat it. [Laughter.]

Mr. BLANTON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair would ask the gentleman from Michigan, Does this site adjoin another site?

Mr. CRAMTON. It is my understanding that it does not.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase of a new site on which to locate a 16-room building in the vicinity of and to relieve the Tenley School, \$25,000.

Mr. BLANTON. Mr. Chairman, I make a point of order that it is legislation unauthorized by law.

The CHAIRMAN. Will the gentleman from Michigan permit the Chair to ask him whether or not this proposed site adjoins another site?

Mr. CRAMTON. It is my information that the land adjoins the present site. I went out with the gentleman from Kentucky [Mr. JOHNSON] and looked at the land. It is my information

that it does. Doctor Ballou, the superintendent of schools, states in the hearings that "the main building is an antiquated structure," and so forth. It is not expressly stated, but it is my understanding that the land is immediately adjacent to the present site, and the plans contemplate that the present site will continue to be used.

Now, Mr. Chairman, if it is agreeable to the gentleman from Texas to pass over this item for a moment I will get definite information as to that. I do not want to mislead the Chair.

Mr. BLANTON. I will agree to that if it is understood that the point of order is pending.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the paragraph be passed over for the moment. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, that will be done, with the understanding that the point of order is pending. The Clerk will read.

The Clerk read as follows:

For the purchase of a new site for the McKinley Manual Training School, \$215,000.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is new legislation unauthorized on an appropriation bill.

The CHAIRMAN. Is this adjacent to the present site?

Mr. CRAMTON. Mr. Chairman, this is an area of land that is immediately adjacent to Government-owned land which is now used for school purposes.

Mr. BLANTON. But it is separate and distinct from this school, and the gentleman knows that.

Mr. CRAMTON. It is the Langley Junior High.

Mr. BLANTON. It is not connected with the McKinley Manual Training School in any way.

Mr. CRAMTON. It is adjacent to Government-owned property devoted to school purposes in the District.

Mr. BLANTON. Oh, well, that is a different proposition. That does not make it in order. It has got to be a part of the particular plan to come within the ruling that the Chair intimated he would follow.

Mr. CRAMTON. The school system of the District of Columbia is a unit. One building will house a number of different activities. One building might include everything from the kindergarten to the twelfth grade. Other buildings might include simply a junior high school—that is, from the seventh to the ninth grades—or a building might be limited in its use, but all these schools are parts of one public-school system. There is a piece of land owned by the Government and devoted to school uses, and now they propose to extend that land, to put upon it a new building for other school uses. Those school uses are a part of the same plan for which the existing site is used.

The CHAIRMAN. Will the gentleman permit the Chair to ask him a question?

Mr. CRAMTON. Certainly.

The CHAIRMAN. Is there a public street or any other land intervening between the present site and the proposed site?

Mr. CRAMTON. It is immediately adjoining. There is no street intervening.

Mr. BLANTON. I want to call the attention of the Chair to page 239 of the hearings, where under a new subhead, "New construction," it takes in the Armstrong Manual Training School, a site farther north, and it also takes in this identical school. On page 244, under the heading of "New construction," is the McKinley Manual Training High School. That shows that it is to be absolutely new construction and that it comes within the rule that it is legislation on an appropriation bill.

The CHAIRMAN. Has the gentleman from Texas concluded?

Mr. BLANTON. Let me call the attention of the Chair to this paragraph, showing the testimony of the superintendent:

There is no opportunity to extend this building—

Speaking of the present building—

since it occupies the whole plot of ground at the present time.

It shows that you could not extend that building at all; that this is absolutely new construction on different grounds.

The CHAIRMAN. If this site were purchased, then would it be possible for them to extend it?

Mr. DENISON. That is what they are getting it for.

The CHAIRMAN. If they got the site, it would then be possible to make the extension, would it not?

Mr. BLANTON. That would apply to any school. It is entirely new construction, as shown by the hearings and by everyone who testified concerning it.

Mr. CRAMTON. The McKinley Manual Training School, referred to by the gentleman in what he has read, is the

school now located on a site where there is no opportunity for extension. It is proposed to buy a new site and to use the present McKinley Manual Training School for other school purposes and to erect on this new site a new building for a new McKinley Manual Training School. The land on which that new building is to be erected is immediately adjacent to other land now occupied for school purposes in the District.

Mr. BLANTON. The reason I make the point of order, Mr. Chairman, is that instead of coming to the Appropriations Committee, that has no time to go out and make these investigations, these matters ought to come before the proper legislative committee that does have the time to carefully consider them.

When they were claiming that they did not have room in a great many of these schools—that they did not have seats and desks to accommodate the children—I spent a whole week and went to many different schools, visiting them in person, and checking up the vacant chairs and desks in each room, and I found that there was available desk room and that there were available chairs for pupils in practically nine-tenths of the rooms I visited. These new projects that call for large expenditures call for investigation, and it is the District Legislative Committee that ought to make that investigation. The Appropriations Committee has made none at all.

Mr. CRAMTON. Mr. Chairman, to be perfectly frank with the Chair, I visited this tract of land. The superintendent said that the proposal is to locate the McKinley Manual Training High School on the site adjacent to the Langley Junior High School, on T Street NE., near Lincoln Road. There is a large area of land—some 13 acres—involved in this. A portion of it is already occupied with buildings which will have to be removed. It is on the south side and adjacent to the Langley School. Now, it is very possible that there is an alley between the Langley School ground and the grounds that are proposed to be purchased here. I shall have to admit further that there are some streets that intersect the land that is to be bought and which it is proposed to close hereafter, but the land is adjacent to land already used for school purposes. It is quite a large area and a very desirable site.

Mr. SNELL. Will the gentleman yield?

Mr. CRAMTON. I yield to the gentleman from New York.

Mr. SNELL. As I understand the statement of the gentleman, it is the intention to buy a new plot of land and build a new McKinley School?

Mr. CRAMTON. Of course, the Chair realizes that the street is in the ownership of the United States.

Mr. SNELL. Granting that that is so, is not that carrying the proposition of the continuation of a public work a little further than it is generally understood that it is to be carried in an appropriation bill?

Mr. CRAMTON. Here is what was done the other day: When the Interior Department bill was up it contained an appropriation for continuing the topographic survey. The topographic survey of the whole United States apparently was treated by the Chair as one project, for which there had been appropriations before.

There is no authorization of law for the topographic survey; but, on the basis of its being a continuing work, the appropriation was sustained as being in order.

Mr. SNELL. I think that is a little different.

Mr. CRAMTON. Here we have a school system that is one connected project, the schools all being under one management and serving one purpose. Here is a piece of land devoted to those purposes, and we propose to buy adjacent land, quite an area, to be devoted to the same purposes.

Mr. SNELL. Even according to the gentleman's argument, there will have to be an authorization to build a new building there, will there not?

Mr. CRAMTON. Yes; I think that would need an authorization, certainly a new appropriation.

Mr. SNELL. If you need an authorization to build a new building there, I believe you need an authorization to buy the adjacent piece of land for an entirely new purpose. I appreciate that you can go a long way under this continuation of a public work; but I think we are stretching the point in this case, while I am in favor of the project.

Mr. CRAMTON. If the language read "for purchase, etc."—

Mr. SNELL. But it says for a new site.

Mr. CRAMTON. If the language read "purchase of additional land adjacent to the Langley Junior High School," the gentleman would admit that it is in order.

Mr. SNELL. I think that might be held to be in order; but this states distinctly here, and the gentleman says, that it is for a new proposition.

Mr. CRAMTON. I do not say that it is for an entirely new proposition.

Mr. SNELL. I understood the gentleman to say that.

Mr. CRAMTON. The distinction the gentleman makes, I do not agree to. I am emphasizing that while the existing school plant is a junior high school, and this land is to be used for a high school, different buildings, they are all part of one connected, unified school system for the District of Columbia; so that the way that I endeavor to justify this item is not that the land we seek now for high-school purposes is adjacent to a junior high school, but that the land we seek for school purposes, if the Chair will permit, is immediately adjacent to land now used and owned for school purposes. Therefore, we are acquiring land adjacent to land we now own, to be used for the same purpose.

Mr. SNELL. The gentleman also admits that this is an entirely new project; it is not an addition to something that you have now.

Mr. CRAMTON. We are going to use it for school purposes.

Mr. SNELL. And if the gentleman is talking about a general system, why could you not put a school down in any part of the city, because it is a part of that system?

Mr. CRAMTON. It is just the same as a topographic survey. They can survey an area a mile square, and that will make it a basis for a continuing work throughout the United States.

Mr. SNELL. If you wanted to, you could buy a school lot or site and build a school building in any part of the city.

Mr. CRAMTON. No; but adjacent to land already owned for a similar purpose.

Mr. SNELL. Then we could buy up the whole city without any authorization of law and put it to school purposes.

Mr. CRAMTON. If Congress would provide the money, it would be in order on an appropriation bill.

Mr. SNELL. In my judgment, that is stretching the original intent and purpose of that rule, and it is going further than we usually go in construing it.

The CHAIRMAN. The Chair is ready to rule. Gentlemen will appreciate the fact that there are several conflicting precedents. In one precedent it states that the purchase of adjacent land is held to be in continuation of a public work, and in section 3774 of Hinds' Precedents the purchase of additional ground and the erection of an addition to an existing building was held to be in continuation of a public work. The rulings have been very liberal in the matter of the continuation of a public work. In the opinion of the Chair, if this proviso were to include the purchase of land adjoining the Langley School the Chair would have no hesitancy in saying that it is in order; but it seems to the Chair that this is practically a new work being undertaken. Perhaps that is a narrow interpretation for the Chair to take, but the Chair does feel that this is a new work, and therefore it is a new site. In the opinion of the Chair it is in violation of the rule, and the Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 52, after line 10, insert a new paragraph, as follows:

"For the purchase of additional land for school purposes adjacent to the Langley Junior High School, \$215,000."

Mr. BLANTON. Mr. Chairman, I make the point of order that it is legislation on an appropriation bill, not authorized by law. The Chair is already cognizant of the fact that the purpose of this appropriation is not to continue the use of the Langley School; it is not to build an addition to the Langley School or to repair the Langley School; but if the Chair will ask the gentleman in charge of the bill, he will admit that it is for the purpose of buying the new site on which to build a school known as the McKinley High School.

Mr. CRAMTON. Mr. Chairman, I have just made inquiry of Colonel Keller, the engineer commissioner of the District, and I am advised that this item, and also the Tenleytown item, is immediately adjacent to land now owned for school purposes by the Government.

As to the point of order, I would like the Chair's attention to this proposition. One section has been ruled out by the Chair on a point of order and that is out of the bill. The Chair is not now ruling upon that other proposition. The proposition that I offer now provides an appropriation to buy land adjacent to land now occupied for school purposes by the Langley school. It is a very desirable piece of land. It can be used to advantage for many purposes. We do not authorize, in the amendment that I have offered, the erection of a McKinley high school on that site. We do not provide

for the erection of any high school on that site. We simply buy the land that is adjacent to the Langley high school. Whether there can be an argument as to the desirability of buying that land adjacent to the Langley school will be determined by the committee after the point of order is decided, but as to the legislative authority to entertain an amendment to purchase additional land immediately adjacent to the site that we already have, I do not see how there can be any question. All reference to a new high school is eliminated. I submit that it comes within the obiter dicta of the Chair a few minutes ago and is in order.

Mr. SNELL. Is this additional land you want to buy absolutely essential to the proposition that is there at the present time? It seems to me that that is the vital question.

Mr. CRAMTON. That goes to the merits of the question. It is desirable.

Mr. SNELL. Is it absolutely necessary? Would it be, if you were not going to build a new building?

Mr. CRAMTON. That has nothing to do with the point of order. It is land that is immediately adjacent, and no building can be put up until Congress authorizes it.

Mr. SNELL. I think when the gentleman admits that he can not put up a building until Congress authorizes it, that he admits away his proposition.

Mr. CRAMTON. It may be used as an athletic field, or as a drill field, or as a playground. Until Congress authorizes the money no high school could be erected, unless the building is also contiguous to the adjacent building.

I am simply asking authority to buy land that is immediately adjacent to land we have now without any reference to any new educational proposition.

Mr. SNYDER. There is no emergency demanding it.

Mr. CRAMTON. That is for the committee to decide.

Mr. SNYDER. What committee?

Mr. CRAMTON. The Committee of the Whole.

Mr. SNYDER. It seems to me that is for the District of Columbia to decide as to the necessity.

Mr. CRAMTON. We are talking about the parliamentary situation.

Mr. TOWNER. Mr. Chairman, is it not true that it has been ruled already that adjacent land can be purchased for the building of an entirely new building?

Mr. SNELL. I think that is the point, whether the adjacent land be for an entirely new building or an addition.

Mr. TOWNER. There is authority to that effect, I am quite sure.

Mr. CRAMTON. As applied to the same plan?

Mr. TOWNER. The proposition is this, Can new land be purchased for the building of a new building for school purposes? It has been ruled that it can. Now, whether it can be extended to a case of this kind is the question—

Mr. SNELL. That is the point.

Mr. TOWNER. It does not seem to me how the Chair can view this without taking into consideration what preceded it, not merely on the merits of this proposition that is now placed before the committee, and I do not see how the amendment can be overruled.

Mr. BLANTON. Mr. Chairman, just one word. If the position of the gentleman from Michigan is correct, then there will be no end to the proposition. Under any appropriation bill that could be brought in here every other day you could keep on buying land for school purposes, and you could finally buy up every acre of land in the District of Columbia, because it would be adjacent. But the rule is this, that in order to buy new land it must be shown that it is needed for that particular school project. In other words, that that school needs additional land, that it can not continue carrying on its business without additional land. That is one of the first things the gentleman must do to make his appropriation in order. It is true he could build an entirely new school if the present one needs remodeling. We could tear down and bring in an appropriation to construct an entirely new school, but it must be for that particular school which has been already authorized by act of Congress, but when he goes to construct an entirely new project it will come under the old ruling, which provides that in order to buy land you have to have authorization from Congress.

Mr. CRAMTON. Mr. Chairman, let me suggest this: The rule is clearly expressed that the purchase of adjoining land for a work already established is in order.

Mr. BLANTON. Work "already established."

Mr. CRAMTON. There is the work already established, the Langley High School, buildings and grounds, and I am proposing to acquire certain land immediately adjacent to that established work. Now, as to the wisdom of the policy, that is for the committee to consider when it comes up. The Appropria-

tions Committee can not buy it without the assent of Congress. Just now the question is whether the amendment is in order, and that is all. Whether some time in the future Congress might determine to put a new high school on a part of that land, that is not within my knowledge now or that of the Chair. I am asking the insertion of language to buy land immediately adjacent to the Langley High School, an established project. I do not see how there can be any question about it being in order. As a matter of fact, this site will be used; a part of it would be used for playground purposes for the existing institution. It would be all one project together.

Mr. SNELL. Mr. Chairman, I understood the gentleman to say a few minutes ago he could not tell definitely what this ground would be used for; he did not know whether it would be for school construction or not. I want to call the attention of the Chair to a definite rule, page 365. In discussing an amendment not admissible under this general proposition of continuing a public work, it says:

And not for the continuation of a work indefinite as to completion and intangible in nature.

If this, according to the statement of the gentleman from Michigan, is not indefinite as to completion and intangible as to nature, I would like to have somebody tell me what it is. He stated he did not know whether there would be a building erected or not and does not know what it would be used for, but that it was adjacent. From that statement and the indefiniteness of the completion and the intangibility of the nature it should be ruled out by the Chair.

Mr. CRAMTON. It is not indefinite; the land is definite, the sum is definite, and part of the use of it would be for playgrounds.

Mr. SNELL. Or the building of a school?

Mr. CRAMTON. The land will be there, but what Congress at some time in the future will order I can not say.

Mr. SNELL. There is no definite building program to state definitely to Congress that this is a continuation of a public work, and for that reason, according to the statement and ruling of the Chair, I call the attention of the Chair to the fact that I do not think he could rule this is in order.

Mr. DEMPSEY. Mr. Chairman, it seems to me that the question presented here is this: An item is presented which the Chair has ruled is not in order because it is legislation. Now, we are not talking as though there had not been a ruling; that is, a ruling that had not been appealed from; so it is the law on this question. To avoid that ruling, the chairman of the committee suggests an amendment.

Let us concede for a moment that the language of that amendment would take it beyond the ruling and permit the new language to stand. The question is this: Is the Chair obliged to shut his ears and close his eyes to all that has occurred so far in this matter? Is this, in other words, as though the bill had been presented in the amended form, conceding that in the amended form it would not be subject to a point of order?

I say that that is not so; that the Chair is not bound by any such narrow rule as that; that it is the duty of the Chair to enforce not merely the naked rule in its words and in its verbiage but to enforce the spirit of the rule; and so the Chair is obliged to take into account the whole situation that exists.

And what is that situation? Is it a fact that the intention back of this provision of the bill is to buy a site which is adjacent to and will aid that existing school enterprise? That is not the fact at all. That is not the claim. The Chairman is obliged to be in good faith with the committee, and the committee is obliged to be in good faith with the Chairman, and we have to bear those two things in view in ruling. The real fact is that this site is to be purchased not at all for the purpose of adding to this property but for a new, independent, and separate purpose; and that being the fact, the matter presented before the Chair, or the question presented before the Chair, is precisely the same question as was presented before. In other words, the Chair can not shut his ears and close his eyes and forget what has occurred in five minutes and rule as though nothing had occurred in relation to this matter and as though this printed bill itself does not show that it is a new and independent purpose. On the contrary, the Chair has to recognize the fact that it is a new and independent purpose and that the amendment, while on its face and in its language, if the bill had been framed in its original form, appears to be for a corollary purpose, an additional purpose, to supplement something already existing, yet in point of fact that is not the real situation. He has to rule on all that is before him and not rule simply on the narrow basis of the new language only which is presented.

The CHAIRMAN. The Chair recognizes the great force of the argument of the two gentlemen from New York, and perhaps

if this came before the Chair for the first time this afternoon he would agree to that contention, because the Chair thinks that some of these precedents are entirely too broad. But there they are as a part of the proceedings of this House, and it is the custom of the Chair to comply as nearly as he can with the precedents. In the opinion of the Chair there are one or two cases absolutely parallel with this case where it was held that it is in order to purchase land adjacent to an existing public work. It does require it to be stated that there is an emergency existing, or that the work to be done is to be exactly similar to the work that is already going forward. In view of these precedents the Chair is going to hold this amendment in order and overrule the point of order. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. CRAMTON. Mr. Chairman, if the Chair please, I suggest that we return to the Tenley item. The land, as I understand, is adjacent to the Tenley School, and this is a remodeling of the Tenley School.

The CHAIRMAN. On that statement of the gentleman from Michigan the Chair will overrule the point of order.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to suggest to the gentleman from Michigan [Mr. CRAMTON] that under the language to which he has last referred any land can be purchased anywhere in the District.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. REED of West Virginia. Why is not this entire project an educational system for the District of Columbia, under one superintendent, all of it, under one board of education, in a growing city? As Congress knows, we have been legislating for years for that one project—an educational system. And why would it be unreasonable to presume that we could do that?

Mr. JOHNSON of Kentucky. May I suggest to the gentleman from Michigan that he designate the land to be purchased, so that this item will not be subject to a point of order? It does not propose to purchase this land, but land in the vicinity. If that were changed, then clearly it would not be subject to a point of order. As it is now it may be.

Mr. CRAMTON. The land in contemplation is immediately adjacent, but if we limit it—

Mr. JOHNSON of Kentucky. But there is nothing to indicate the land that is to be purchased.

Mr. CRAMTON. I admit that. I was saying to the gentleman that if necessary we could make the language more restrictive, but that puts the commissioners right up against one owner of land, to deal with that one alone. This language is a little broader. If necessary, we could restrict it, but I think it is much better to leave it as it is.

Mr. JOHNSON of Kentucky. The Chair will be compelled to rule on the language, not on any explanation of it. This speaks not of adjacent land but of land in the vicinity. I offer this suggestion for no other purpose than to facilitate the passage of the item.

Mr. ABERNETHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ABERNETHY. I would like to know just what is being cut out and what is not cut out from these buildings and grounds.

The CHAIRMAN. The Clerk will indicate the portions that have been adopted and the portions eliminated.

Mr. BLANTON. I object to that, Mr. Chairman; it will take up a lot of time.

Mr. ABERNETHY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized.

Mr. ABERNETHY. Mr. Chairman and gentlemen of the committee, I have been sitting here watching this proceeding, and it strikes me that we, as a deliberative body, have gotten ourselves into a very peculiar situation. There has been a controversy going on between members of three great committees—the Appropriations Committee, the Rules Committee, and the District of Columbia Committee—during the consideration of this bill, and as a result of it the District of Columbia is going to suffer in its school facilities. As an American citizen and as a Member of Congress, I for one think we should give the District of Columbia all that is asked for in this bill for facilities for school purposes. That is the way I feel about it. I think this body ought to get together and give the District of Columbia what it asks for in this bill, and put the matter in such shape that it will not be subject to points

of order. The distinguished chairman of the Committee on the District of Columbia has spoken several times during the consideration of this bill in rather loving(?) terms of the gentlemen on the Rules Committee, and the net result of this conflict between these gentlemen on these great committees is that the District of Columbia suffers. This is the first time I have had anything to say in this House, but I have seen this controversy going on here during the consideration of this bill between the members of these great committees, and it has not met with my approval. It seems to me we ought to be able to get together here and get what we want. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the erection of an eight-room extensible building on the site to be purchased in the vicinity of Georgia Avenue and Sixteenth Street NW., north of Park Road, \$130,000.

Mr. BLANTON. I make the point of order that this is unauthorized on an appropriation bill.

Mr. CRAMTON. If the gentleman will withhold his point for one minute, I only want to say that there is a great need for a school in this section, which has been built up perhaps as much as any new section of Washington. If the gentleman makes the point of order, I must admit that the paragraph is subject to the point of order.

Mr. BLANTON. I make the point of order.

The CHAIRMAN. It is very clear to the Chair that the words "in the vicinity of" make this amendment subject to a point of order. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the erection of an eight-room extensible building, including a combination assembly hall and gymnasium, on the site to be purchased in the vicinity of, and to relieve the Tenley School, \$160,000.

Mr. BLANTON. I make the point of order that this is legislation unauthorized on an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For beginning the erection of a 16-room building, including a combination assembly hall and gymnasium, to replace the old John F. Cook School, \$100,000, and the commissioners are hereby authorized to enter into contract or contracts for such building at a cost not to exceed \$250,000.

Mr. BLANTON. I make a point of order that this is unauthorized on an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For the purchase of additional land in the vicinity of the Slater-Langston (Cook) Schools, \$50,000.

Mr. BLANTON. I make the point of order, Mr. Chairman, that this is legislation unauthorized on an appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CRAMTON. Mr. Chairman, I offer an amendment to follow line 4, on page 53, for the purchase of additional land adjacent to the Slater-Langston (Cook) Schools, \$50,000. That is the same as the existing language, except to make it "adjacent to" instead of "in the vicinity of." It is for the use of those schools.

The CHAIRMAN. The gentleman from Michigan offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON: Page 53, after line 4, insert "For the purchase of additional land adjacent to the Slater-Langston (Cook) Schools, \$50,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of a new site on which to locate a Junior High School between Twentieth Street and Rock Creek and K and O Streets NW., or vicinity, \$50,000.

Mr. BLANTON. I make the point of order, Mr. Chairman, that this is legislation unauthorized on an appropriation bill.

Mr. CRAMTON. Mr. Chairman, I am very sorry to see this item go out. It is very desirable, but it is a new site.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

In all, \$1,200,000, to be disbursed and accounted for as "Buildings and grounds, public schools," and for that purpose shall constitute one fund: *Provided*, That none of the money appropriated by this act shall be paid or obligated toward the construction of or addition to any building the whole and entire construction of which shall not have been awarded in one or a single contract, separate and apart from any other contract, project, or undertaking, to the lowest bidder complying with all the legal requirements as to a deposit of money or

the execution of a bond, or both, for the faithful performance of the contract: *Provided further*, That this limitation shall in no wise apply to contracts already awarded, nor shall it be construed to impair the legal rights or status of any unsuccessful bidder on a contract already awarded: *Provided further*, That no architect's fee shall be paid or obligated for plans, specifications, or any professional services whatever, unless they are such as will enable the Commissioners of the District of Columbia, or those letting a contract, to secure a legal bid within the amount authorized by Congress for the building or other project: *Provided further*, That nothing herein shall be construed as repealing existing law giving the commissioners the right to reject all bids.

Mr. JOHNSON of Kentucky. Mr. Chairman, I wish to invite the attention of the gentleman from Michigan [Mr. CRAMTON] to the language which begins with the proviso at the end of line 24 on page 23. I am quite sure that it was the intention of the committee to strike out that proviso, including the first half of line 3 on page 54. That language was in last year's bill, when the contracts had been let that might have been disturbed by the limitation. But now no contracts of that character have been let, and that language should go out.

Mr. CRAMTON. I will say to the gentleman that the effort was to modify it as the committee had agreed and in accordance with the gentleman's suggestion, and the change that was indicated to the clerk has been carried in the bill. If the gentleman thinks that proviso should come out, I have no objection.

Mr. JOHNSON of Kentucky. I am quite sure that the second proviso, beginning with line 24, should go out.

Mr. CRAMTON. I will not oppose an amendment to that effect.

Mr. JOHNSON of Kentucky. I move to strike out the proviso beginning in line 24, page 53, and ending in line 3 on page 54.

The CHAIRMAN. The gentleman from Kentucky offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: On page 53, line 24, after the word "contract," strike out the proviso down to and including the word "awarded," on page 54, line 3.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. JOHNSON].

The amendment was agreed to.

The Clerk read as follows:

METROPOLITAN POLICE.

SALARIES.

Major and superintendent, \$4,500; 2 assistant superintendents, at \$3,000 each; 3 inspectors, at \$2,400 each; 13 captains, at \$2,400 each; chief clerk, who shall also be property clerk, \$2,400; clerk (who shall be a stenographer), \$1,800; 2 clerks (who shall be stenographers), at \$1,500 each; clerk—1 (who shall be assistant property clerk), \$1,200; 1 \$1,200, 3 at \$1,000 each, 1 \$700; 4 surgeons of the police and fire departments, at \$1,600 each, additional compensation for 35 privates detailed for special service in the detection and prevention of crime, \$16,800; additional compensation for 14 privates detailed for special service in the various precincts for the prevention and detection of crime, at the rate of \$120 per annum, \$1,680; additional compensation for 1 inspector or captain and 1 lieutenant detailed for special service in the detection and prevention of crime, at \$400 each; 21 lieutenants, one of whom shall be harbor master, at \$2,000 each; 56 sergeants, one of whom may be detailed for duty in the harbor patrol, at \$1,800 each; privates—582 of class 3 at \$1,660 each, 222 of class 2 at \$1,560 each, 30 of class 1 at \$1,460 each; amount required to pay salaries of privates of class 2 who will be promoted to class 3 and privates of class 1 who will be promoted to class 2 during the fiscal year 1924, \$7,960; 9 telephone clerks, at \$900 each; 19 janitors, at \$600 each; laborer, \$720; messenger, \$600; motor vehicle allowance for 2 inspectors at \$480 each; 20 captains, lieutenants, sergeants, and privates, mounted on horses, at \$540 each; 32 lieutenants, sergeants, and privates, mounted on bicycles, at \$70 each; driver-privates—35 of class 2, at \$1,560 each, 3 of class 1, at \$1,460 each; 6 police matrons, at \$720 each; in all, \$1,693,000.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, in line 12, page 57, after the figures, strike out the period and insert a colon, and the following:

Provided, That all members of the police force shall be granted one day off each week in lieu of Sunday and be furnished with their uniforms and all required equipment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 57, line 12, after the figures, strike out the period and insert a colon and the following: *Provided*, That all members of the police force shall be granted one day off each week in lieu of Sunday, and be furnished with their uniforms and all required equipment.

Mr. CRAMTON. Mr. Chairman, I make a point of order against the amendment.

Mr. BLANTON. Will the gentleman reserve his point of order for a moment?

Mr. CRAMTON. I make the point of order that the amendment is very clearly legislation within the jurisdiction of the Committee on the District of Columbia, of which the gentleman himself is a member.

Mr. BLANTON. Will the gentleman reserve his point of order for a moment?

Mr. CRAMTON. I will reserve it for a moment.

Mr. BLANTON. Mr. Chairman, if it is right to put other matters of legislation in this bill, there can be none more urgent or needed than that covered in this amendment. We furnish every single employee of this Government one day off each week in lieu of Sunday except the police and firemen. We furnish every single employee of this Government every necessary equipment.

Mr. SNYDER. Mr. Chairman, I do not think the gentleman is speaking to the point of order.

Mr. BLANTON. Mr. Chairman, I am speaking to the merits of my amendment. The gentleman from Michigan reserves the point of order.

Mr. SNYDER. Mr. Chairman, I make the point of order without any reservation.

Mr. BLANTON. I assure the gentleman from New York that he is not a friend of the police or the firemen.

The CHAIRMAN. It is clear that this is legislation in violation of the rule, and the Chair sustains the point of order.

Mr. REED of West Virginia. Mr. Chairman, before the Clerk reads I want to ask the chairman a question about the language beginning after the word "each," on line 6, page 57, of the bill:

Twenty captains, lieutenants, sergeants, and privates, mounted on horses, at \$540 each.

What does that mean?

Mr. CRAMTON. That is the allowance to them for the maintenance of horses.

Mr. REED of West Virginia. Ought it not to be stated in different language?

Mr. CRAMTON. We are continuing the language used heretofore, which has seemed to be effective.

Mr. SNELL. Does the gentleman mean by that that these men are allowed \$540 each for sustaining and keeping the horse one year?

Mr. CRAMTON. That is their extra compensation for that purpose. The law provides:

Members of the police force who may be mounted on horses furnished and maintained by themselves shall each receive an extra compensation of \$540 per annum.

Mr. SNELL. That includes furnishing the horse and the keep of it?

Mr. CRAMTON. Yes.

Mr. REED of West Virginia. Ought not the language to state that this is an extra allowance? It is very indefinite, it occurs to me.

Mr. CRAMTON. I think there is merit in the gentleman's suggestion, but they are getting the money all right.

The Clerk read as follows:

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of modern revolvers and other firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, telegraphing, telephoning, photographs, printing, binding, gas, ice, washing, meals for prisoners, not to exceed \$200 for car tickets, furniture and repairs thereto, beds and bed clothing, insignia of office, motor cycles, police equipments and repairs to same, repairs to vehicles, van, patrol wagons, and saddles, mounted equipments, and expenses incurred in prevention and detection of crime, and other necessary expense, \$60,000; of which amount a sum not exceeding \$500 may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended: *Provided*, That the War Department may, in its discretion, furnish the commissioners, for use of the police, upon requisition, such worn mounted equipment as may be required.

Mr. BLANTON. Mr. Chairman, I offer an amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 58, line 23, after the word "required" strike out the period, insert a colon, and add the following: *Provided*, That all members of the police force shall be granted one day off each week in lieu of Sunday, and be furnished with their uniforms and all required equipment.

Mr. CRAMTON. Mr. Chairman, I make the point of order that it is legislation not in order on an appropriation bill.

Mr. BLANTON. Mr. Chairman, I ask to be heard for a moment on this point of order. The Chair will note that the last proviso, beginning on line 20 and ending on line 23, is legislation unauthorized on an appropriation bill. The amendment that I offer is an amendment to that proviso. In other words, while my amendment contains legislation, it is an amendment to a proviso containing legislation, placed in the bill by the committee, and I cite as a precedent the ruling which the Chair made about an hour ago in discussing the Beggs proposition, wherein he said that where there appears in the bill language which is legislation unauthorized, an amendment to that legislation is not out of order.

The CHAIRMAN. The Chair will correct the gentleman. The Chair said any germane amendment.

Mr. BLANTON. I maintain that this is germane to this paragraph. This paragraph has to do with the equipment of the police. This has to do with the equipment for the use of the police.

Mr. SNYDER. But it has to do with something else besides that.

The CHAIRMAN. Will the gentleman permit the Chair to ask him how one day off each week in the police department has anything to do with the police equipment?

Mr. BLANTON. That is something that they ought to have without legislation. It ought to be given to them without authority of Congress.

The CHAIRMAN. The Chair is not disputing the justness of that provision. He agrees with it, but he asks the question in order to view the matter from a parliamentary standpoint.

Mr. BLANTON. I submit the matter to the Chair.

Mr. CRAMTON. There is a further consideration, but if the Chair is prepared to rule—

The CHAIRMAN. The Chair is prepared to rule. This amendment, in the opinion of the Chair, is not germane, and on that point the Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, I offer the amendment, with the one day in lieu of Sunday left out, and in that form I think it is germane to the paragraph in the bill.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 58, line 23, after the word "required," strike out the period, insert a colon, and add the following: "Provided, That all members of the police force shall be furnished with their uniforms and all required equipment."

Mr. CRAMTON. Mr. Chairman, I make the point of order to the amendment; and, in connection with that, I make it upon two grounds. First, the section in the bill to which it is offered does not contain matter subject to a point of order. I dispute the argument of the gentleman from Texas that the proviso in the section would have been subject to a point of order. It is a retrenchment, which results in a saving to the Government, to issue to the police for their use such worn-out mounted equipment as may be required instead of appropriating money to buy new equipment. That is apparent upon the face of the paragraph. If the section in the bill has in it nothing subject to the point of order, the gentleman's amendment is new legislation and would not be in order upon the paragraph.

Furthermore, if the Chair should chance to disagree with me on that, the new language which the gentleman offers—to issue clothing to the policemen, purchased at the cost of the Federal Government—is not germane to a proposal to buy revolvers, or a card system, or stationery, or books of reference, and so forth, or anything else in the paragraph. It amounts to an increase of salary above the statutory allowance and is not germane to the paragraph in the bill.

Mr. SNELL. Mr. Chairman, I desire to be heard for a moment on the point of order. While it is permissible under our rules to amend a general provision of law by a specific amendment providing for a special purpose, it is not permissible to amend one specific provision of law by another specific provision of law. And that is exactly what the gentleman from Texas is trying to do here now, and it is clearly not in order at this time.

The CHAIRMAN. The Chair feels that when the amendment was originally offered there was no question of its being subject to the point of order because of the wording which the Chair pointed out to the gentleman from Texas, a provision, by the way, with which the Chair sympathizes. Now the amendment is nearer the line, but the Chair still feels that it is open to objection; first, because it is repugnant to the rule to endeavor to amend one specific subject by another specific subject; second, because, as the subject matter sought to be amended deals with equipment supplied by the War Department and the amendment provides for equipment to be furnished free of expense, the amendment lacks the necessary relationship to make it germane.

A similar proposition was presented when it was sought to amend the war risk insurance act by a free-policy amendment. If the Chair recalls correctly the incident, Chairman TILSON ruled the amendment out of order. The Chair in this instance sustains the point of order.

The Clerk read as follows:

For one aerial hook and ladder truck, motor driven, \$15,500.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee what is being done toward equipping the fire apparatus with acetylene torches or something of that kind, so they can operate

at fires in connection with such disasters as occurred at the Knickerbocker Theater, when they could not cut through the walls and release the people who were suffering and dying there?

Mr. CRAMTON. I can not say to the gentleman what they have done. I presume they have since that time been properly equipped in that respect through the War Department or otherwise. There was certainly no mention of it before our committee.

Mr. BRIGGS. I understood some time since that there was a statement that the fire department was to be so equipped and I have not heard anything further about it and I was wondering if there had been any steps taken to meet an emergency and a situation which, in my opinion, ought to be met.

Mr. CRAMTON. My information is that they got their equipment through the surplus property in the War Department; in any event there was no request made and I assume if it was needed they would have come to our committee.

Mr. BRIGGS. If the gentleman will permit another question, and that is in regard to the number of these building inspectors. Has a sufficient number been allowed in this bill upon the request of the commissioners to meet the demand for proper inspection of buildings under erection in this city?

Mr. CRAMTON. We granted all the Budget recommended, and it is my understanding that the Budget granted all that were estimated for by the commissioners. The gentleman will remember in the deficiency act of last spring it gave them an increased amount of \$20,000 and we are continuing that force.

Mr. BRIGGS. That is all I wanted to know. I thank the gentleman.

The Clerk read as follows:

HEALTH DEPARTMENT. SALARIES.

Health officer, \$4,000; assistant health officer, \$2,500; chief clerk and deputy health officer, \$2,500; chief, bureau of vital statistics, \$1,800; clerks—1 \$1,600, 5 at \$1,200 each, 4 at \$1,000 each, 2 at \$900 each, 1 \$720; sanitary inspectors—chief \$1,800, assistant chief \$1,400, 12 at \$1,200 each, 2 at \$1,000 each, 3 at \$900 each; food inspectors—chief \$1,800, assistant chief \$1,400, 6 at \$1,400 each, 5 at \$1,200 each, 6 at \$1,000 each, 5 at \$900 each; chemist, \$2,000; assistant chemist, \$1,500; chief of bureau of preventable diseases and director of bacteriological laboratory, \$2,750; serologist, \$2,500; 2 assistant bacteriologists at \$1,200 each; laboratory assistant, \$840; skilled laborers—1 \$720, 1 \$600; 2 messengers, at \$600 each; 2 chauffeurs, at \$720 each; poundmaster, \$1,400; watchman, \$600; laborers, at not exceeding \$65 per month each, \$3,120; in all, \$96,390.

Mr. BLANTON. Mr. Chairman, I reserve a point of order. I want to ask the chairman the reason for increasing the salary of the health officer?

Mr. CRAMTON. There is no increase above the current year.

Mr. BLANTON. But there is an increase above the authorized statutory salary, which is the only salary authorized by law.

Mr. CRAMTON. I have not examined that, but I will say we continued it.

Mr. BLANTON. Does not the gentleman examine these statutory salaries when fixing a new bill?

Mr. CRAMTON. No.

Mr. BLANTON. He takes whatever they ask?

Mr. CRAMTON. I have generally done that, being careful not to increase the salary above the current law.

Mr. BLANTON. But the gentleman has increased this salary \$500 more than the statutory salary. That is legislation, and I could make a point of order against it, but, of course, I will not do it; but the gentleman gave as his reasons for not granting justice to the police and firemen—who are absolutely unprotected and who have had all of their powers of offense taken away when they took away the power of strikes—he said he would not give them relief because it was legislation; but when it comes to the health officer the salary is increased \$500 beyond the statutory salary.

Mr. CRAMTON. Our committee continued the salary as heretofore. As to the police, in that case we did not check back to see just what was authorized by law, but we continued the same amount they are getting at the present time. It may be that to some of the police we have given more than authorized, but I think not.

Mr. BLANTON. I do not think it is far out of line, and I will not make the point of order.

The Clerk read as follows:

For establishing and maintaining a child hygiene service, including the establishment and maintenance of child-welfare stations for the clinical examination, advice, care, and maintenance of children under 6 years of age, payment for personal services, rent, fuel, periodicals, and supplies, \$15,000: *Provided*, That the commissioners may accept such volunteer services as they may deem expedient in connection with the establishment and maintenance of the service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or the payment of any money on account of any such volunteer service.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Michigan if he does not think that, on account of the importance of the items which we are reaching, we had better have a quorum present?

Mr. CRAMTON. Mr. Chairman, I had in mind—as we are getting along so rapidly—that we would run until 5 o'clock, and, if agreeable, stop at 5 o'clock.

The Clerk read as follows:

JUVENILE COURT.

Salaries: Judge, \$3,600; clerk, \$2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, \$1,480; financial clerk, who is authorized to act as deputy clerk, \$1,200; stenographer and typewriter, who is authorized to act as a deputy clerk, \$1,080; stenographer and typewriter for judge's work, and to aid in keeping records in clerk's office, \$1,080; probation officers—chief, \$2,000, assistant chief (who shall also be investigating officer for children's cases), \$1,500, two at \$1,200 each, one for adult cases, \$1,200, five at \$1,000 each; investigating officer for juvenile work, \$1,400; investigating officer for adult cases, \$1,200; record and information clerk for probation office, \$1,200; clerk for probation office, \$900; two bailiffs, at \$900 each; telephone operator, \$600; messenger, \$600; janitor, \$600; charwoman, \$240; in all, \$31,080.

Mr. BLANTON. Mr. Chairman, I reserve a point of order. How much has the salary of the juvenile judge been raised over the statutory salary?

Mr. CRAMTON. So far as I know, none. We are continuing the salary contained in the 1923 bill, and, as far as I know, that is the statutory salary.

Mr. BLANTON. I am not speaking of what was carried in the last appropriation bill. Is not the salary \$3,000?

Mr. CRAMTON. I have no information as to that. I can only state what salary the lady is getting at the present time, and we have continued the same salary she is getting now.

Mr. BLANTON. Mr. Chairman, a quite amusing incident happened in connection with this particular juvenile court. An attorney was appointed by the court to defend a certain case, and after the case was decided he was asked about the facts of the case on the outside, and he gave his opinion—just merely recited what had transpired in the court—and in the next few days he was cited to appear before the court and show cause why he should not be held in contempt for reflecting upon the action of the court, after the case had been finally disposed of and when he was merely acting under the appointment of the court. If the judge of the juvenile court is exercising such jurisdiction, threatening attorneys and threatening to take away their licenses, maybe her salary ought to be raised above the statutory allowance. [Laughter.]

Mr. SNELL. That will do; that is all right. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For compensation of jurors, \$10,000: *Provided*, That none of the money appropriated by this act for the payment of jurors' fees in any of the courts shall be available or used for that purpose unless the actual cost of the trial jury in each case first be ascertained and fixed by the court and taxed as part of the costs and judgment rendered therefor against the defendant in a criminal case against whom a verdict of guilty has been rendered; nor shall any such money be available or used for that purpose until execution has been issued and a return of nulla bona thereon has been made by the proper officer. Neither shall any of the money appropriated by this act for the payment of jurors' fees be disbursed or used to pay any juror's fees whatsoever unless the actual cost of the trial jury be ascertained and fixed by the court and taxed as costs and judgment rendered therefor against the defendant where either the United States or the District of Columbia is plaintiff, and the defendant is unsuccessful in the suit. However, no person shall be imprisoned because of the nonpayment of the aforementioned costs.

Mr. HILL. Mr. Chairman, I make a point of order against all of that paragraph, beginning on line 14, with the word "Provided," down to the end of the paragraph on page 71, line 8, on the ground that it is new legislation.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think it is unnecessary to argue the point of order, for the reason that it is strictly and unqualifiedly a limitation upon the expenditure which, under the rule, is unquestionably permissible. It is so plainly a limitation that I feel it is unnecessary to argue it before the Chair.

Mr. HILL. Mr. Chairman, I invite the attention of the Chair to page 458 of the hearings on the District of Columbia appropriation bill, in which Mr. Justice McCoy states as follows:

Now, in conclusion, might it not be better to have the whole subject investigated and to have some legislation on it from the District Committee?

That is referring to this provision. He goes on then to say:

I would have been perfectly willing, Mr. EVANS, to go before the District Committee on some such proposition as that. As I say, I do not know what the policy of Congress will be, or what policy Congress wants to adopt as to making the costs heavy or light. If they want to throw the costs upon the litigant in the civil case, then we can make some suggestion about costs in there. As I say, I know nothing about it in criminal cases, but the policy of the code is that the United States shall not be at any expense in criminal cases.

Now, I also invite the attention of the Chair to page 457, in which Mr. JOHNSON of Kentucky makes a statement to show that this is entirely new legislation. He says:

Here is the situation: The bootleggers and whisky runners are demanding jury trials with the hope they can get a fellow bootlegger or a fellow whisky runner on the jury and hang it, and they are clogging the courts by their demands for juries.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. HILL. Yes.

Mr. SNELL. What has that got to do with the rules and regulations of the House—a statement showing what this man says before the committee?

Mr. HILL. It shows what the situation is. This is an attempt at legislation.

Mr. SNELL. This is a pure limitation on an appropriation bill which is always admitted.

Mr. HILL. Even if this is a limitation on an appropriation bill, this is not a limitation on the expenditure, but on the action of the person. I submit that it is not in order.

The CHAIRMAN. Has the chairman of the committee any recollection of whether or not this item has been carried in previous bills in this form?

Mr. CRAMTON. It was carried in the current year, but in a different form. This is carried as a limitation, and in the bill for the current year there was a similar limitation.

Mr. JOHNSON of Kentucky. Ten thousand dollars is carried for the payment of jury fees. The limitation is that none of that money shall be paid unless the jury fees shall be assessed as costs. It is clearly a limitation.

Mr. BLANTON. Mr. Chairman, may I ask the gentleman from Kentucky a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. BLANTON. I do not know how it is in Kentucky, but in the State of Texas, both in civil and criminal cases, a nominal jury fee of \$5 is assessed against the losing party. Say 12 men are drawing jury fees, and on a case of two or three weeks their expense is never assessed, either in civil or criminal cases. Is not that the same rule that applies in Kentucky?

Mr. JOHNSON of Kentucky. Much the same rule. But, Mr. Chairman, a new condition has arisen here. The courts, particularly the police court, are being clogged by men who are not willing to be tried by the judge, but who demand a jury. I am informed that most of those demands for jury trials come from alleged bootleggers, who find their way so successfully and so easily from adjacent cities to the District of Columbia, and they demand a jury with the hope of getting somebody engaged in the same business on the jury with a view of hanging the jury.

But that is no reason why the point of order should either be sustained or not sustained. If this is not a limitation on the expenditure, then I do not believe it possible for one to be written.

Mr. HILL. Mr. Chairman, I think the gentleman's own remarks show that this is an attempt at legislation.

Mr. JOHNSON of Kentucky. I admit that it is an attempt and that it is legislation by limitation, for the purpose of reducing the expenses of the Government.

Mr. HILL. I invite the Chairman's attention to the words of the concluding part of the paragraph on page 71:

However, no person shall be imprisoned because of the nonpayment of the aforementioned costs.

That certainly is no limitation. It has nothing to do with the application of the money. It is a change of the substantive law.

Mr. JOHNSON of Kentucky. It is not a change of the substantive law, if the gentleman will pardon me, because it is already a law.

Mr. HILL. The sixth amendment to the Constitution guarantees even to bootleggers a fair and impartial trial by jury, and this is to limit the right of trial by jury.

The CHAIRMAN. This is an important question. The Chair will ask the chairman of the committee if he will allow this to go over until Monday, so as to permit him to finish the reading of the bill to-night?

Mr. CRAMTON. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. TILSON as Speaker pro tempore having assumed the chair, Mr. HICKS, chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes, had come to no resolution thereon.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4030. An act for the relief of Capt. Murray A. Cobb; to the Committee on War Claims.

S. J. Res. 259. Joint resolution authorizing the President to abrogate the international agreement embodied in certain Executive orders relating to the Panama Canal; to the Committee on Interstate and Foreign Commerce.

INDEPENDENT OFFICES.

Mr. MADDEN, from the Committee on Appropriations, reported the bill (H. R. 13696, Rept. 1349) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. GARRETT of Tennessee. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER pro tempore. The gentleman from Tennessee reserves all points of order on the bill.

DISPENSING WITH CALENDAR WEDNESDAY.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to dispense with Calendar Wednesday next week.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the business of Calendar Wednesday next week be dispensed with. Is there objection?

There was no objection.

INTERIOR DEPARTMENT APPROPRIATIONS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the Interior Department appropriation bill (H. R. 13559) may be taken from the Speaker's table, the amendments of the Senate disagreed to and a conference asked for, and that the Chair appoint the conferees.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the Interior Department appropriation bill, disagree to the amendments of the Senate, and ask for a conference. Is there objection?

Mr. CRAMTON. Mr. Speaker, I will say that this request is made after conference with the gentleman from Oklahoma [Mr. CARTER].

Mr. GARRETT of Tennessee. And it is satisfactory to him?

Mr. CRAMTON. It is satisfactory to him.

Mr. BLANTON. I objected this morning when this request was made, but I have had a conference with the gentleman from Michigan, and I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the title of the bill (H. R. 13559) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER pro tempore. Without objection, the Chair will appoint the conferees.

There was no objection, and the Speaker pro tempore appointed as conferees on the part of the House Mr. CRAMTON, Mr. FRENCH, and Mr. CARTER.

ADJOURNMENT.

Mr. CRAMTON. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock p. m.) the House, under the order heretofore made, adjourned until Sunday, January 7, 1923, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

897. A letter from the president of the Chesapeake & Potomac Telephone Co., transmitting the annual report of the Chesapeake & Potomac Telephone Co. for the year 1922; to the Committee on the District of Columbia.

898. A letter from the Acting Secretary of the Interior, transmitting a list of useless executive papers which have no permanent value and which should be disposed of; to the Committee on Disposition of Useless Executive Papers.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WINSLOW: Committee on Interstate and Foreign Commerce. H. R. 13135. A bill to grant the consent of Congress for the special commission constituted by an act of the Legislature of Massachusetts to construct a bridge across the Merrimack River; with amendments (Rept. No. 1339). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 13493. A bill to authorize the State road department of the State of Florida to construct, maintain, and operate a bridge across the Escambia River near Ferry Pass, Fla.; with an amendment (Rept. No. 1340). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. S. 4172. An act to authorize the building of a bridge across the Great Pee Dee River in South Carolina; without amendment (Rept. No. 1341). Referred to the House Calendar.

Mr. HOCH: Committee on Interstate and Foreign Commerce. S. 4122. An act granting the consent of Congress to the Interstate Toll Bridge Co. for construction of a bridge across Red River between Montague County, Tex., and Jefferson County, Okla.; without amendment (Rept. No. 1342). Referred to the House Calendar.

Mr. SNYDER: Committee on Indian Affairs. H. R. 9405. A bill authorizing the collection of a reasonable fee from Indian lessors from moneys collected by the Indian Service as royalties and rentals from mining leases; with an amendment (Rept. No. 1343). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 9406. A bill to provide for the disposal of homestead allotments of deceased allottees within the Blackfeet Indian Reservation, Mont.; without amendment (Rept. No. 1344). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 9018. A bill to fix the time when patents in fee for Indian allotments shall become effective; without amendment (Rept. No. 1345). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. S. 249. An act for the relief of certain tribes and nations of Indians in the State of Montana; with amendment (Rept. No. 1346). Referred to the Committee of the Whole House on the state of the Union.

Mr. WOOD of Indiana: Committee on Appropriations. H. R. 13696. A bill making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes; without amendment (Rept. No. 1349). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 13511. A bill granting the consent of Congress to the city of St. Paul, Minn., to construct a bridge across the Mississippi River; without amendment (Rept. No. 1350). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. EDMONDS: Committee on Claims. H. R. 1758. A bill for the relief of the owners of the steamship *Mohican*; with an amendment (Rept. No. 1333). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 1759. A bill for the relief of the owners of the steam lighter *Comport*; with an amendment (Rept. No. 1334). Referred to the Committee of the Whole House.

Mr. EDMONDS: Committee on Claims. H. R. 12315. A bill for the relief of the owners of the schooner *T. K. Bentley*; without amendment (Rept. No. 1335). Referred to the Committee of the Whole House.

Mr. IRELAND: Committee on Claims. H. R. 12159. A bill for the relief of D. H. MacAdam; without amendment (Rept. No. 1336). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13205. A bill for the relief of the American Trust Co.; with an amendment (Rept. No. 1337). Referred to the Committee of the Whole House.

Mr. UNDERHILL: Committee on Claims. H. R. 13250. A bill for the relief of Helene M. Layton; without amendment (Rept. No. 1338). Referred to the Committee of the Whole House.

Mr. SNYDER: Committee on Indian Affairs. H. R. 13208. A bill for the relief of Charles F. Peirce; without amendment (Rept. No. 1347). Referred to the Committee of the Whole House.

Mr. SNYDER: Committee on Indian Affairs. H. R. 11353. A bill to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to different appropriation from the one used in payment; without amendment (Rept. No. 1348). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. UPSHAW: A bill (H. R. 13692) declaring the purchaser of intoxicating liquor equally guilty with the person who unlawfully sells or offers for sale intoxicating liquor; to the Committee on the Judiciary.

By Mr. APPLEBY: A bill (H. R. 13693) to enlarge and extend the post-office building at Perth Amboy, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. FOCHT: A bill (H. R. 13694) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes; to the Committee on the District of Columbia.

By Mr. HADLEY: A bill (H. R. 13695) to provide a site and erect a public building at Mount Vernon, Wash.; to the Committee on Public Buildings and Grounds.

By Mr. WOOD of Indiana: A bill (H. R. 13696) making appropriations for the Executive Office and for sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 13697) granting a pension to Martha Eberlein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13698) granting a pension to Cordelia S. Milliken; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13699) granting a pension to Anna Withers; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 13700) granting an increase of pension to Martha A. Demaris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13701) granting a pension to Lewvina Hoffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13702) granting an increase of pension to Martha A. Pitzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13703) granting an increase of pension to Elizabeth Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13704) granting a pension to Ida Stout; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 13705) granting a pension to Nellie Quimby; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 13706) granting an increase of pension to John Noel Cox; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 13707) granting a pension to Victoria M. Ray; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13708) granting an increase of pension to James Mitchell; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 13709) granting a pension to Charlotte Buck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13710) granting an increase of pension to Sarah J. McCulloh; to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 13711) for the relief of Maj. Frayne Baker; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6768. By Mr. DARROW: Petition of the Philadelphia Board of Trade, concerning proposed banking legislation; to the Committee on Banking and Currency.

6769. By Mr. KISSEL: Petition of International Peace Jubilee and Waterways Exposition, Detroit, Mich., asking for

proper congressional recognition and Government support to enable them to hold an international peace jubilee and waterways exposition during 1925; to the Committee on Industrial Arts and Expositions.

6770. By Mr. SANDERS of New York: Petition of 42 residents of Dale, N. Y., and vicinity, to repeal the tax on ammunition and firearms contained in paragraph 7, section 900, internal revenue law; to the Committee on Ways and Means.

6771. Also, petition of 49 residents of Cowlesville, Strykersville, Johnsonburg, N. Y., and vicinity, favoring an appropriation to extend relief to the famine-stricken people of the German and Austrian Republics; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, January 7, 1923.

The House met at 12 o'clock noon and was called to order by Mr. WILLIAM A. RODENBERG, a Representative from the State of Illinois, who caused to be read by the clerk the following communication:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 7, 1923.

I hereby designate Hon. WILLIAM A. RODENBERG to act as Speaker pro tempore to-day.

F. H. GILLET.

Rev. Page Milburn, of Washington, D. C., offered the following prayer:

O God, our help in ages in past, our hope for years to come, we worship Thee, we dedicate unto Thee our life, our love, our service, our faith, our hope. We thank Thee that in this day of Christian civilization we know somewhat of representative citizenship, of men dedicating their lives unto the service of mankind and of the world. And as we remember this day the life, character, and service of one who has passed away, may our hearts be inspired to do more and more valiant service for our fellow men, for our Nation, and for the world. In Thee we live and move and have our being. We are dependent upon Thee. We look to Thee in hope this day, and ask that Thou wilt forgive us our sins and use us to Thy glory. Through Jesus Christ, our Lord. Amen.

The SPEAKER pro tempore. Without objection, the reading of the Journal will be deferred.

There was no objection.

THE LATE JONAH KUHIO KALANIANA'OLE, OF HAWAII.

The SPEAKER pro tempore. The clerk will report the special order for the day.

The clerk read as follows:

On motion of Mr. BALDWIN, by unanimous consent—
Ordered, That Sunday, January 7, 1923, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. J. KUHIO KALANIANA'OLE, late a Delegate from the Territory of Hawaii.

Mr. BALDWIN. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Hawaii offers a resolution which the clerk will report.

The clerk read as follows:

House Resolution 478.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. JONAH KUHIO KALANIANA'OLE, late a Delegate to Congress from the Territory of Hawaii.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BALDWIN. Mr. Speaker, there are several Members who wished to pay tribute to the late Mr. KALANIANA'OLE to-day who are unavoidably absent, and I ask unanimous consent that they may extend their remarks in the Record.

Mr. RANKIN. Mr. Speaker, will the gentleman include all Members who desire to extend their remarks?

Mr. BALDWIN. Certainly; all Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.